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THE LAND OF FAIR PLAY

Geoffrey Parsons

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"CHOOSING UP"

This picture suggests the American boy's natural tendency to come to a decision in a way perfectly fair to both parties, and to stand by it cheerfully when it goes against him

THE LAND OF FAIR PLAY

A TEXT-BOOK OF AMERICAN CIVICS

BY
GEOFFREY PARSONS

CHARLES SCRIBNER'S SONS

NEW YORK

CHICAGO

BOSTON

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B

TO THE TEACHER

THE urgent need for teaching the theory and practice of American government to our boys and girls at the earliest practicable moment in their schooling is now widely recognized. The facts have long been appreciated by educators; through the war the problem has been brought into general consideration. But one pupil in three goes to high school. To delay the teaching of formal civics until then is to permit two out of three of our boys and girls to grow up with no accurate knowledge of our governmental structure and faith. In our new realization of the dependence of America upon the understanding and devotion of her every citizen, the desirability of ending this condition has become clear to every one.

This volume is aimed to help in this important work. It is designed as a text-book for the last years of elementary school. Among the scores of works on American civics there are almost none that attempt to describe the theory of our government and its essential machinery with the simplicity attempted here. The teaching of community civics in the lower grades has been ably developed and with it a number of excellent volumes stressing the practical and local operations of government, street-cleaning, the fire department, and so on. At the other end stand the many admirable text-books,

comprehensive, detailed, and technical, suited to mature high school or college use. It is for the field between that this volume has been designed as the result of much study and observation and consultation with teachers.

The plan of the book was the natural consequence of its aim. Since the theory and machinery and services of our national government formed the prime subject to be taught, it seemed essential to begin with this heart of the matter. It is the opinion of many teachers that this method follows the natural interest of pupils and affords the clearer path. Certainly, the simplicity of the family and of local government as a starting point is a false and confusing simplicity. The complexity of the national government is at least visible and sharply defined. With the aid of the playground analogy the elements of our governmental theory can be made easily understandable by pupils of the sixth, seventh, and eighth grades. Since a true perspective, a sense of the relative importance of the principles involved and a clear view of the organic relation of nation, State, and local government, was a first essential, a logical chapter arrangement was followed in preference to an arrangement by lessons.

Of the questions for discussion the most important are obviously the ones developing the State laws and local facts of government. The material for answering these questions (the form of ballot used in a State, local boundary-lines, the names of local officials, etc.) is often not immediately accessible. But the value of these concrete examples is very great. The ideal system is, of course, for the members of the class to obtain the information from election officials, tax assessors, local

members of the State Legislature, and others. Or the Secretary of State can be applied to at the State capital. One of the standard newspaper almanacs and the State year-book will often be of use. Time, of course, limits the amount of this local application of theory and law which a teacher can arrange; but it cannot be too strongly urged that the theory of government be as far as possible worked out in concrete laws and maps and ballots and persons.

The text of the Constitution is included in the volume and frequently referred to in the belief that only thus can an appreciation of its basic importance be gained. No detailed analysis of the Constitution has been attempted. In the conception of the writer it is the fundamental fact of its organic relation to our state that is chiefly important.

GEOFFREY PARSONS.

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CHAPTER I

THE SPIRIT OF AMERICA

The Spirit of Fair Play.—Every American boy and girl learns on the playground the true spirit of America, which is nothing else than fair play, fair play for every one, big and little, neither bullies nor cheats allowed. You can sum up the whole object of our American Government by saying that it seeks to give every American, man or woman, boy or girl, rich or poor, an equal chance.

Every boy and girl in America wishes to win, to succeed, to become great and famous. There is more ambition in America than in any other country in the world. That is because every boy and girl has a better chance in America than in any other country in the world. Our country is far from perfect; we have our faults and injustices, as has every country. There are cheats and bullies in business as in play. But we try to keep the game of life fair and we have succeeded in making America the land of opportunity beyond any other spot.

The poorest boy can become President, has become President. Abraham Lincoln, who split fence-rails as a farmer's boy, lived to become our greatest and most honored President. Every position, every success, stands open for every boy to try for. Every girl can learn as much as she will and enter any business or pro-

fession or work that appeals to her. Andrew Carnegie, who started out as a messenger-boy in Pittsburg at the age of fourteen and became our greatest steel manufacturer, is but one of hundreds of American boys who have won their way to the highest success.

Now it is fair play, and only fair play, that makes this possible, that gives this chance to rich and poor alike. As in games, so in work we try our hardest to win, to succeed. But we play fair. We obey the rules. We give every boy and girl a fair start. We put bullies and cheats out of the game and we aim to give every one an equal chance to succeed. That is the spirit of America. No one is a true American who does not try to live up to it.

There is no room for king or noble or any favored class in this free country. Every American is as good as his brains and character and manners, and no better.

QUESTIONS ON THE TEXT

1. What is the spirit of America?
2. What is the object of our government?
3. Why is there no nobility in America?

QUESTIONS FOR DISCUSSION

1. What is a "fair start" in a race?
2. What does "two against one is no fair" mean?
3. What is a "blow below the belt"?
4. What did President Roosevelt mean by a "square deal"?
5. What is the Golden Rule?
6. Can you think of any great Americans besides Lincoln who made their way up from poverty?

CHAPTER II

THE CAPTAIN, THE UMPIRE, AND THE RULES

Captain and President.—When a group of boys wish to start a ball team one of the first things they do is to choose a captain. No team can play well without a captain, and a good one. He decides where each boy shall play, directs the practice, makes out the batting list, and gives the orders in a game—when to play up for a batter, when to change pitchers, and so on. He is the general of the forces in the field, and a good captain of a ball team is quite as important as a good general in a battle.

The President of the United States is the captain of the country. He does for the whole country very much the kind of things that your captain does for your baseball team. The country selects him to be their general, their leader. If we are good Americans we obey him to the death. If he asks the men to enlist they do so. If he asks the women to save food in war time they do so. If he asks us to buy War Savings Stamps we do so. If he asks us to pay a tax we do so. Of course, he has a tremendous task and all sorts of things to do. It is a very much more difficult thing to lead a nation of 100,000,000 men, women, and children than to lead a team of nine ball-players. But he is chosen by the people of the country much as you

choose your baseball captain, and he leads the people much as your captain leads you.

Umpire and Judge.—Next is the umpire. You can play a small game without an umpire, but there is likely to be trouble and dispute over close decisions, and no big game is ever played without an umpire. He belongs to neither team and is chosen to call balls and strikes and fouls and outs fairly, without favoring either side.

Our judges are umpires chosen to make fair decisions in the matters of business and life. They are elected because they are fair-minded men and fitted to hear both sides of a dispute and decide fairly which man has broken a law. If a player in a baseball game spikes a fielder intentionally, the umpire punishes him by putting him out of the game. Just the same, if a tough knocks you down on the street, the judge punishes him by sending him to jail.

Rules and Laws.—This brings us to the question of rules, of laws. Have you ever seen the printed rules of baseball? They take up many pages of fine print. Most of them you know without thinking—how many strikes a batter is allowed, which way to run around the bases, and so on. But other rules, especially some of the newer changes, puzzle the most experienced players. The umpire is trained to know all the rules and to hold all the players to them.

Now stop and think what a hopeless mess a game of baseball would be without rules that every one had to follow. Each player would be doing as he pleased, a big boy who was a bully could stay at bat all day if he



A CLOSE DECISION AT HOME PLATE

The umpire, who must declare whether the runner is out, is seen to the left, bending forward eagerly to observe every detail of the play

wished to, and a boy who wished to cheat could be as unfair as he cared to without any one to stop him. There would be no fair play for anybody.

It is rules and obedience to them that make fair play possible. The laws are nothing more than the rules of life, by which every honest man and woman is glad to live. Most of them every boy and girl knows and obeys without thinking because they are the simple rules of right and wrong. It is a crime to steal, it is a crime to attack any one. You can see that life would be a wild scramble without laws and courts to enforce them. Thieves and cheats would have an open field and fair play would be utterly impossible.

Freedom Through Laws.—That is what American freedom means. It is not freedom to do exactly as we please, for that would produce anything but real freedom. It is a freedom to do our utmost to succeed provided we play fair. As a matter of fact, no one who lives in the same city or village or county with other people can be entirely free to do what he wishes. Some one has said that "only a fish is wholly free," and that is about true. What America tries to do is to give just as much freedom as possible and give it to every one alike. The result is that America is the freest country in the world.

Who makes the rules and laws of fair play? In baseball it is men chosen by the big leagues who meet once a year. In our government it is our lawmakers, or legislators, the Congress that meets every year at Washington, and these are chosen by the votes of everybody just as is the President.

The Three Branches of American Government.—That is the main outline of our American Government, and you see how much its plan resembles the plan of a baseball game. You cannot have a successful baseball team without (1) a leader; you cannot play a baseball game peaceably and fairly without (2) an umpire; and you cannot possibly play baseball without (3) rules. That is the precise theory of our government.

What Government Does.—The rules of baseball relate to only one thing, a baseball game. Government touches our whole daily life, waking or sleeping, our business, our health, our safety, our happiness. It includes all those things that we can best do together: the building of roads; fire and police protection day and night; the delivery of mail; the coining of money; fighting a common enemy with an army and navy, and so forth. In a savage country every man carries a club and is his own policeman. In a civilized country all unite and hire a policeman to act for all. It is more convenient and more efficient. Government is the organization we use to do all these things in common.

So the reach of our government is very wide. But the goal that it aims for and the spirit of everything that it does, is fair play.

QUESTIONS ON THE TEXT

1. What does the President do for us?
2. What do our judges do for us?
3. Why do we have laws?
4. Are Americans free to do whatever they wish?
5. Who makes our laws?

6. What are the three branches of American government?
7. Why do we have a government and what does it do?

QUESTIONS FOR DISCUSSION

1. What makes a good captain in a game?
2. Do you know the names of any famous captains of ball teams?
3. Who were our Presidents during wars?
4. Can you state six rules in baseball, in football, in basket-ball, in any other game?
5. Have you a copy of a baseball guide containing the rules in full?
6. Can you state some of the penalties for breaking rules in a game?

CHAPTER III

THE TEAM

Democracy.—All these are important, the captain, the umpire, and the rules. But you cannot play ball without a team. After all is said, it is the whole nine that wins a game or loses it. It is the team that does the work.

Now in a well-run ball team this is recognized and the team runs things. The captain is chosen by vote of all the players. The most important questions are put before the team for decision. The captain runs the team not to please himself or any one or two players, but for the whole nine. That is the American way. It is the democratic way. It is the way the American nation is governed.

Despotism.—You all may have seen teams which were not run in this way—in which one big boy, something of a bully, got together a team of smaller boys and made them do as he wanted, for instance. The smaller boys lacked the spirit to stand up for their rights and so they received just what the captain chose to give them. That is un-American. It is the way a despot rules, an emperor like the Czars of Russia, or, to go farther back in history, Henry VIII, of England (1509–1547), and Louis XIV, of France (1643–1715).

Anarchy.—Suppose, on the other hand, you tried to run a team without any leader. Probably no boys

were ever foolish enough to attempt this plan, but suppose some boys did. You can imagine what confusion and quarrelling there would be and how poor a game such a team would play. Every boy would do as he pleased and boss just as many other boys as he could. We saw how important rules and an umpire are. Take away the captain, too, and you have exactly the condition known as anarchy, which means the attempt to run a country with no government whatever. Certain theorists, impressed by the defects of government, have urged anarchy as a solution of all our troubles. But, as you can see, the remedy would be far worse than the disease. We should have a whole nation of despots, every one ruling himself as he pleased and just as many of his friends and neighbors as he could.

Aristocracy.—Sometimes it is not one boy who runs a team but three or four boys. Perhaps they have more money than the others and can buy bats and balls and masks, and therefore think they have the right to tell the others what to do. Perhaps they are older and bigger than the rest. Well, that is not American, either. When it comes to electing a captain or deciding any important matter, every player on the team ought to have his say. Big or little, rich or poor, they are all players; it is their team, and they ought to run it. That is the theory of America.

When, instead, a few put their ideas over on the rest, you have what is called an aristocracy. The word means a government by the best. Occasionally a ruling class of aristocrats are the best, but usually they only think they are the best because they are the richest

and the most powerful. At any rate, even if the aristocrats who rule a country happened to be the wisest and finest, it is the American theory and the right theory that, with the best intentions, they could not know what was best for their poorer and weaker neighbors, that every man has a right to decide his own affairs, and that no man has a right to rule any other man.

England, France, America, and Germany.—A typical aristocracy was England at the time of the American Revolution. George III was not a despot, because the nobility and upper classes of the country shared the power of governing with him. But the working people of England had nothing to say whatever in the government. Power belonged only to nobles and landowners. A limited monarchy is another name for such a government, since the power of the monarch or king is not absolute, but is limited by the power of others.

Do not make the mistake of thinking that England of to-day is either a despotism or an aristocracy. It is a democratic monarchy and its government is fully as democratic as our own. It is a limited monarchy in which the limits have swallowed the monarch. He remains simply as a figurehead to symbolize the unity of the nation and represent it on state occasions. The real head of England is the prime minister, who acts for the people of England just as our President acts for the American people.

That is the normal growth of governments, away from despotism, through limited monarchies to democracy. France and America have arrived at complete

democracy, in name as well as in fact. England has reached democracy in fact but not in name. Germany, at the time of the Great War, was still a long way from democracy. Her Kaiser had much of the power of a despot. The people were allowed to vote and elect legislators, but the power of these legislators was small. Next to Russia, Germany and Austria possessed in 1914 the most despotic governments in Europe.

The People's Rule.—In America the only rulers are the people. As we have seen, they elect a President to lead them, legislators to make new laws or rules for them, and judges to act as umpires for them when laws are disputed. But the President, the legislators, and the judges are simply the agents of the people to carry out the wishes of the people. The Constitution of the United States, the highest law of the land, begins with the words: "We, the people of the United States . . . do ordain and establish this Constitution for the United States of America." When a criminal is arrested or punished the order reads not in the name of the judge or the officer, but in the name of "the people."

"Of the people, by the people, for the people" was Abraham Lincoln's description of the American system of government, and it is the best description there is.

A Republic.—America is both a democracy and a republic. It is a democracy because the people rule it. It is a republic because the people rule it through representatives. The other kind of popular rule is sometimes called a "pure democracy," and in it the people meet and run their government directly without electing any officers to act for them. This sort of democracy is possible

only in a small community like ancient Athens or a modern New England town.

QUESTIONS ON THE TEXT

1. What is a democracy?
2. What is a despotism?
3. What is anarchy?
4. What is an aristocracy?
5. What is a limited monarchy?
6. What sort of government has England?
7. What sort of government has France?
8. What sort of government had Germany at the time of the World War?
9. Who are the rulers in America?
10. What is a "pure democracy" and what is a republic?

QUESTIONS FOR DISCUSSION

1. Can you name any other despots than the Czars?
2. Can you name any limited monarchies?
3. How many republics can you name?
4. Are there any monarchies in the western hemisphere and any republics in Asia?

CHAPTER IV

MAJORITY RULE

Government by Majority.—Like most of the long words of government, “majority” rule is a thing which every American boy is so familiar with that he takes it as a matter of course. If there is a dispute in your team over anything, who shall be captain, what team you will play next, where you will play, you all say what you want, and what the most of you want, that you all do. If eight vote one way and one the other, you all do as the eight wish. If seven vote one way and two the other, you all do as the seven wish. If six vote one way and three another, you all do as the six wish. If five vote one way and four another, you still, all nine of you, do as the five wish. Those who are outvoted swallow their ideas and do as the rest prefer. That is all there is to majority rule. (“Majority” comes from the Latin word “major” which means “greater.”)

I Won't Play.—It is a simple idea, but it is at the bottom of all government by the people, and unless a people understand it and live by it they cannot possibly run a successful government. You know how it is in a group of boys too young or too tough to play fair. In such a crowd it is impossible to have a good baseball team or to play any game that is worth while. There is wrangling and fighting and sulking all the time. “I won't play unless I can have my way” is the talk of

the boy who is outvoted. Or if he is a bully, he puts up his fists and threatens to fight those who disagree with him.

There are certain young nations so unfitted for popular government that they behave exactly like these disorderly boys. Their people do not understand the first principle of majority rule. Every little while we used to read of a revolution in a Central American country. That simply meant that the side which was outvoted at an election had seized the government by force of arms. No great issue of right and wrong was involved. The revolutionists simply refused to "play" unless they could run things. As you can imagine, there is no happiness or comfort or progress or business success in a country thus given over to riot and bloodshed.

The Right of Revolution.—There is one other point to remember. The time does come, once in a long while, when it is not only necessary but one's sacred duty to resist a government. This has been called "the right of revolution," and our own America was founded in just this way, as you have learned in your histories. Suppose in your crowd of boys the leaders tried to cheat you or steal from you. It would be your duty to resist and fight to the limit and break away altogether rather than submit. So in a nation the government is sometimes tyrannical and unjust, and when all peaceable protest fails of relief a courageous and self-respecting people must and will fight as did our ancestors in the Revolution.

But in government, as in play, fighting is a last resort,

and no people are fit for self-government unless they are trained to understand that, save where a vital question of right and justice is involved, the government must have its way and the people must peaceably accept its decisions.

The Dangers of Revolution.—The American colonies were used to a large measure of self-government, and having declared their independence, quickly set up an orderly and secure rule. Aside from their war for freedom there was little disturbance or bloodshed. Other revolutions have not been so fortunate. The French Revolution of 1789 lasted through many long and bloody years, while parties rose and fell and one popular tyrant succeeded another. The Russian Revolution went through the same bloody confusion. The Bolshevik government originated as one of the most dangerous forms of despotism, rule by a class. Such a government is as much opposed to the American idea of rule by all the people as is a despotism like that of the Czars.

QUESTIONS ON THE TEXT

1. What is majority rule?
2. Why should we do what the majority wishes?
3. When have a people a right to revolt?
4. What are the dangers of revolution?

QUESTIONS FOR DISCUSSION

1. How does a meeting find out on which side of a question the majority stands?
2. What reasons did our Declaration of Independence give for the Revolution?
3. What had the American colonists done to avoid a revolution (as set forth in the Declaration of Independence)?

CHAPTER V

THE LAWS OF FREEDOM AND FAIR PLAY

American Liberty.—Liberty is in the air we breathe in America. It is so much a part of our lives that we seldom think of it. We take it for granted, like the sky and a clear wind and food and drink.

But those who came to America from the dark countries of Europe, from old Russia before the Revolution and the downfall of the Czar, from Germany, from Austria, feel this liberty as something new and strange and wonderful. They feel that they are coming out of the dark into the light, from a house with low ceilings and narrow walls into the free and open air.

We should all understand this liberty of ours, whence it came and how we can keep it, for it is the most precious gift we have.

The Five Rights.—There are five chief rights belonging to every American, old and young, that make American freedom what it is. They are:

1. Personal safety and freedom.
2. Religious freedom.
3. Free speech.
4. Safety of property.
5. Trial by jury.

1. Personal Safety and Freedom.—In the little town of Zäbern in Germany, in 1913, a lieutenant, of noble

birth, struck a lame cobbler with his sword because the poor man had laughed at him. There was a great to-do over the attack, but the Kaiser upheld the lieutenant, and he was never punished in any way. It was held that under the German law he had done entirely right in hitting the lame cobbler.

That was a very brutal and outrageous case. But the same kind of interference with liberty happened constantly in Germany under her militarist rule. The German word "verboten" means "forbidden," and every way that a German turned, to play or to work, he found something "verboten." In his home, on the street, in business, he was surrounded by harsh rules and brutal army officers and nobles and royalty, to whom he was forced to give way. Nowhere was he a free man and his own master.

Now, in America we can live as we please, safely and securely. Every man, woman, and child is protected from arrest and attack. We have no nobles and royalty to bow to. No officer of our army and navy would dream of slashing a civilian to make him respectful. The policeman is your friend and protector. Our only rules are those necessary to punish wrong-doers, and to see that there is fair play, so that everybody has an equal chance to succeed.

An American home has a peculiar degree of protection. "A man's house is his castle" is the old English phrase, and this liberty, like many others, we inherited direct from our English forebears. The police cannot enter your home without a court order. An American home is a sacred spot that the law protects.

2. Religious Freedom.—We can go to church where we will. That does not sound like anything extraordinary to an American. Of course, we can go to church where we choose. But in many countries of the Old World there is no religious liberty at all. In old Russia the Jews led a hunted life because of their religious faith. They were cursed and abused and imprisoned and killed by the hundreds and thousands. They were kept virtual prisoners in a certain part of Russia called the Pale.

In America the Jew has his synagogue just as others have their churches. He is not only free to worship as he wills, but his worship is no handicap in any respect. He can aspire to any success or office. So it is with all of us, Protestant, Catholic, Jew. Most Americans have a strong religious faith, but they feel that religion is something each man must decide for himself, and they do not dream of forcing anybody to believe as they do or of punishing anybody for a strange belief.

3. Free Speech.—Free speech is another precious part of American liberty. It means that Americans can meet whenever they want to and talk over what they will. If they do not like their government they can meet and say so. If they wish a law changed they can meet and say so. Free writing is included. That means that American newspapers can speak of anything they think is wrong and say why, and nobody can stop them. The only limit is that you must say and print the truth. You must not misstate the facts. Lying is against the law for grown-ups just as much as for children.

Compare this with Germany. The German news-

papers could not print the truth about the Great War. They had to print exactly what the Kaiser and his men ordered them to print. The First Battle of the Marne was not told about at all in the German papers. Throughout the war the German people were lied to and deceived in their newspapers by order of the Kaiser.

You can see how important free speech is to a people wishing to be free and to be their own masters. Unless public men can tell the truth and newspapers can print the truth, the people cannot know what is going on, whom to trust and how to vote. The control of speech and newspapers and books is one of the bulwarks of autocracy. Free speech is the beginning of all free government.

4. Safety of Property.—Property is anything you own—a postage-stamp, a bicycle, a Liberty Bond, a house and lot. The right to own things, to have them for your very own so that nobody can take them away, is very important. Unless a man can keep what he earns and buys with his savings he can never get ahead in the world, and he will always be dependent upon some rich man for charity. He can never be free. In old Russia almost all the land was owned by a few great nobles and rich men, and these took good care that the Russian peasants should not own any land or much of any property. Thus the peasants of old Russia were little more than slaves.

In the Middle Ages throughout Europe kings and nobles helped themselves to taxes very much as they desired. The peasants and tradesmen and artisans were obliged to give up a huge slice of their earnings

and property to their overlord. That was the feudal system, and the history of democracy is the history of how the people slowly got the better of their kings and nobles and gained the right to hold their property unmolested.

In America what a man earns is his own and no one can take it away from him. With it he can buy what he chooses, a house, land, anything. He must pay taxes, but they must be fair and reasonable. If his land is needed for some public improvement, of benefit to every one, a railroad or a school, the State can take it, but it must pay full value for it. The right to succeed, we might fairly call this right to own property without interference from any one.

5. Trial by Jury.—In past centuries despotic kings ran the courts as they pleased and sent anybody to prison or beheaded anybody they wished. Slowly the people have won fair and impartial trials. Trial by jury, that is, trial by twelve of his neighbors, is the right of every American when he is accused of a serious crime. No judge can convict him, no police officer, no politician, no rich and powerful man. Plain American citizens like himself alone can send him to jail.

Moreover, the trial must be public. Secret trials have always been the favorite weapon of a despot. "Star Chamber proceedings" is now a common name for any secret decision by any group of people. It dates back to 1487 in England, when Henry VII founded a special court that sat in secret, tortured prisoners, and condemned them without a hearing. It is said to have sat in a room with gold stars on the ceiling and

thus was named the Star Chamber. It was abolished in 1641.

Also the prisoner cannot be compelled to testify against himself. Other features of American justice will be described later. You can see how important a part of American fair play is trial by jury, with all it signifies.

Sources of Our Liberty.—These rights of American liberty did not come into being suddenly. They were the outgrowth of five centuries of struggle in England against tyranny. Our Revolution freed the colonies from unjust rule by an English king and gave them the chance to develop as a great, free nation. But the foundations of personal liberty had already been laid in England. Later on (in Chapter XIX) we shall see that even our new form of government was not a wholly strange and untried invention, but was the natural outgrowth of all the experience of the past. There, indeed, was the greatest feat of our forefathers, the ability that saved them from the wreck and ruin that have followed in the wake of most revolutions. They had the courage to fight to the death for freedom; and they also had the common sense to know that freedom by itself, without wise laws to control it and insure fair play, is nothing and that wise laws cannot be invented overnight, but must come as the slow growth of centuries of custom.

Magna Carta and Bill of Rights.—These are the two great landmarks in the English struggle for personal liberty, and every American lives under their safeguards, for their provisions were brought over by the colonists and written into the law of our land. Magna Carta, or

the Great Charter, was signed by King John at Runnymede, near London, in 1215. He had been tyrannical and cruel until the nation could stand his oppression no longer. So the strong men of England drew up this statement of their rights and compelled the king to sign it. It is the foundation and beginning of our liberty. The right to a prompt and fair trial, the right to trial by jury, the forbidding of taxation except as imposed by the people's representatives, and the right to local self-government are among the great rights which it declared.

The battle was not over and tyrannical kings repeatedly broke the rules laid down by Magna Carta. Finally, in 1689, when William III was made king, the Bill of Rights was drawn up. Free speech, the right to bear arms, and a number of other important rights were added to the common privileges of every Englishman by this great document.

Religious liberty had not been won at this time in England and it was religious persecution that drove many of the colonists to seek their fortune in America. There was persecution in many of the colonies and complete religious freedom was gained only after a long struggle.

Civil and Political Rights.—The rights we have been describing are often called civil rights, the word civil here meaning common to all members of a nation. They are contrasted with political rights, that is, the right to share in the government, to vote, and to hold office. Our forefathers found that the best way to protect their civil rights (that is, the rights of personal liberty we have described) was to gain political rights. So they insisted

upon the right to vote, and that is how our American theory developed that government should be run not by a few people or any class but by all the people. But the distinction still remains. All Americans, men, women, boys, and girls, have civil rights simply because they are Americans; but only those Americans have the "elective franchise," that is, the privilege of voting, whom the voters think qualified to vote. No one under twenty-one, for instance, is permitted to vote; but every boy and girl has exactly the same rights of personal liberty as any grown man or woman.

QUESTIONS ON THE TEXT

1. What are the five chief rights of every American?
2. Explain what each of them means?
3. Why is free speech essential in a democracy?
4. What is property and why is its safety important to all of us?
5. What are some of the safeguards that American justice throws about an accused person?
6. What were the sources of American liberty and how many centuries of struggle does it represent?
7. When was Magna Carta signed and what rights did it establish?
8. When was the Bill of Rights enacted and what rights did it establish?
9. When was religious liberty established in America?
10. Distinguish between civil and political rights and give an example of each.

QUESTIONS FOR DISCUSSION

1. Can you think of anything that your city or village does to make your life safe?
2. What were the religious persecutions in America before the Revolution?
3. What is a pogrom?
4. Is there any mention of God or religion in the Constitution?

CHAPTER VI

THE CONSTITUTION

The Constitution.—We saw that the object of all laws, and the reason we have judges to say what they mean, is to secure freedom and fair play, just as the rules and the umpire secure fair play in a ball game. But these great rights of freedom we have just described have a special importance. They are the foundation upon which all other rights rest. With them our freedom is secure. Without them, without any one of them, our whole system of liberty and fair play might crash to the ground. Therefore special safeguards have been thrown about them. They have been set apart in a sacred document, called the Constitution, to stand, like the ten commandments, above all other law. The general plan of our government forms part of the Constitution. These rights of the people form the rest. Every American boy and girl should understand exactly how the Constitution works, how it is protected, and what it does for each of us.

Its Safeguards.—Any ordinary law can be changed at any time by Congress without much delay. But the Constitution is different. It can be changed only after long discussion and by the overwhelming vote of the people. A bare majority of legislators can pass a law in Congress. It takes the vote of two-thirds of the legislators to offer an amendment (that is, a change)

to the Constitution; and after the amendment has passed Congress it must be approved by three-fourths of the States, that is, 36 out of 48. This procedure insures long discussion and makes certain that no change can be made in the Constitution unless the country is overwhelmingly for it.

The Two Reasons.—There are two reasons for these safeguards thrown about the Constitution. One is that the Constitution holds the thought of our wisest and noblest men, from Washington down. We must not lightly change what they have wrought. There must be thorough debate by every one and general agreement before we act. There must be appeal to second thoughts, which are often the best. There must be no hasty tinkering with so solemn a document, the guardian of our lives and liberties.

The second reason goes back to what has been said about majorities and tyranny and the right of revolution. America is the oldest republic on a large scale in the world. It has weathered every storm, very largely because our Constitution prevents evil acts by majorities. The Constitution is binding not only on you and me, but upon Congress as well. Our legislators cannot pass a law taking away any of the rights and liberties protected by the Constitution. Or, rather, they can pass such a law, but as soon as the Supreme Court of the United States decides that the law attempts to do what the Constitution forbids, the law is wiped out. That is what "unconstitutional" means. That is the great service that our Supreme Court of the United States, the most powerful court in the world, does for each of us.

This plan of a Constitution binding upon every one and of a court to enforce it was an American invention, and we can all be proud and thankful that our forefathers had the mind and skill to create this new and wise system. There is no other country in the world where personal rights are held so sacred or so carefully protected by the laws. No mere majority can ever take away our liberties or our rights.

The Supreme Law.—You can see why the Constitution is called the supreme law of the land. It stands above all other laws and above all our officers of government: Presidents, judges, legislators, policemen, every one. It is the faithful, tireless protector of every American.

QUESTIONS ON THE TEXT

1. What is a Constitution?
2. What does our Constitution contain?
3. How can it be amended?
4. Upon whom is it binding?
5. What are the two reasons for the safeguards thrown about our Constitution?
6. When is a law unconstitutional?
7. Has it then any force?

QUESTIONS FOR DISCUSSION

1. Have any of your school organizations constitutions?
2. How can they be changed?
3. How do by-laws differ from the rest of a club's constitution and why are they usually made easier to change?
4. How many amendments to the Constitution have been adopted altogether and what was the last one adopted?

CHAPTER VII

THE DUTIES OF AN AMERICAN

Our Five Duties.—America gives her citizens more than any country in the world, and she expects more from them. That is a general rule of life. You cannot get something for nothing in this world, either in government or anything else.

The five great things that every American must do for his country are these:

1. Vote.
2. Pay taxes.
3. Do jury duty.
4. Fight.
5. Obey the laws.

1. The Vote.—The first duty of every American over twenty-one is to vote. The actual voting takes only a few minutes on Election Day, which comes the first Tuesday after the first Monday in November. But the duty is much more than that. You must vote wisely, and that means you must read the newspapers and keep track of what is going on, you must discuss it all with your friends and neighbors, you must attend political meetings and hear the candidates (that is, the men running for office) tell what they intend to do. It takes a keen, wide-awake mind, that can read and talk English, to vote intelligently.

Moreover, voting is more than just the few minutes'

work once a year. In order to vote you must first register, which means going on a certain day and putting your name down on the voting list. (This is to prevent fraud at the election.) Also you ought to vote at the primaries, the party elections, held some time before Election Day, at which the candidates of the parties are chosen. Also there are other elections than the main one in November at which you ought to vote. If you live in a city there is a city election. If you live in a village there is a village election. There is also in many cases an annual school meeting which elects the school board. All these elections will be described in more detail later. The point now to remember is that a good American citizen takes a constant interest in his government, follows all the elections carefully, and votes honestly and as wisely as he knows how at each election. No democracy can be a success unless its voters help in this fashion by conscientious, wise voting.

2. Taxes.—A tax is exactly like a collection or offering in church—or the sum you pay when every member of your team chips in to buy a new ball or bat. Government costs much. Your President, your judges, your legislators, your firemen, your policemen, must be paid salaries. Your army and navy must be paid for. Your streets must be paved, your street-lamps lit, your public schools run. And so on. All this runs up to a tremendous sum, as you can imagine. But it is divided among everybody, and nobody has to pay a very large sum except the very rich.

Taxes are not easy or pleasant to pay. In war time, when there is a great army to feed and equip and a great navy to build and supply, taxes are a heavy bur-

den. But every loyal American pays his share fairly and gladly, for he knows that without an army and navy we should be conquered and lose all the blessings America gives us. The man who tries to dodge his tax does not deserve to be an American.

3. Jury Duty.—We saw that trial by jury was one of the great blessings of American liberty. Now you cannot have juries without men to serve on them. Therefore every American must take his turn when the court summons him to act as a juror. It means the loss of some time from a man's business or job, but that is part of the price we gladly pay for the benefit of safe, fair, and humane trials.

4. Fighting.—The duty of every American to fight for his country when she is in peril is as old as the nation. Our country, with all its wonderful liberties, was born of heroic fighting. Without the glorious courage of the Revolution, the years of hard, bitter fighting against heavy odds, there would be no America to-day. In 1812 and again in 1861 the nation was preserved from destruction by the sword. In 1917 we entered the Great War "to make the world safe for democracy," as President Wilson declared. Our ships had been torpedoed at sea and our citizens drowned. The German threat of conquest was aimed not only against Belgium, France, Italy, Russia, England, but against the United States and every other free people. Once more we had to fight for our liberties—and this time, as well, for the liberties of the world. Conscription, the call of every fighting man to the colors, was a magnificent success in America because this duty of the citizen was universally felt. There was practically no opposition, no

holding back. All America went to war gladly to defend those liberties which are more precious than life itself.

5. **Obeys the Laws.**—Boys and girls with the right idea of sport and fair play do not try to cheat their opponents. Whether the umpire is looking or not they play fair. They feel that it is dishonorable to win by cheating. As a matter of fact, a game played by cheats is about as unpleasant as a game can be. No umpire can keep order or prevent the rules from being broken. It is not really a game at all, but a free-for-all stealing match.

Just so, a nation of lawbreakers is no nation at all. It is a free-for-all fight, with the strongest getting away with everything worth having. It is only because America is a nation of law-observers with only a very few lawbreakers that our government is a success. Try to imagine what your street would be like if everybody along it was a burglar and a murderer. Life would not be worth living and no number of policemen could make life safe.

Therefore every American is in honor bound to obey the law. Arrest and punishment may or may not be around the corner if he breaks the law. The good American obeys the law because that is his duty. Obeying the law is part of the price that he gladly pays for living in a free and happy land.

All the precious liberties which we have studied demand self-control and respect for other people's rights on the part of each of us. Religious liberty, for instance. It can amount to nothing unless every one respects his neighbor's right to worship as he wills. Lib-

erties mean equal duties, as we have seen. It is the old idea of fair play again. We can have our chance only because others let us have it; and, turn about, we must respect their chance when it comes.

There is a special and added reason for obeying the law in a democracy which every boy and girl should understand. It is *our* laws that we are obeying, laws that we made through our legislators whom we choose with our votes. So, too, it is *our* property that we destroy when we injure a park tree or destroy a public sign. A park is a piece of property that we all own together. Every child owns a share in it. Therefore every child with sense respects it and treats it with care, so that it will be preserved for his use and enjoyment. To destroy a park tree is just about as sensible as to throw your baseball into the river.

QUESTIONS ON THE TEXT

1. What are the five chief duties of every American?
2. What does the duty of voting require besides casting a ballot, and how can that duty be met?
3. Why are taxes needed?
4. Why must every American serve as a juror when called?
5. What has fighting done for America?
6. Why should we obey the laws?
7. What sort of life would we lead if no one obeyed the laws?
8. By whom are American laws made?

QUESTIONS FOR DISCUSSION

1. Why are boys and girls not allowed to vote?
2. How many of the class had relatives in the World War?
3. How many laws do you know?
4. What public property is there in your city or village?
5. How many parks are there?
6. What rights of others can you think of that you must respect?

CHAPTER VIII

HOME RULE

Two Uniforms.—There are two government officers that every boy and girl sees daily on the street. They both wear uniforms. They both render important and familiar services to us all. I mean the policeman and the postman.

At first sight you might think there was no especial difference between these two public servants, except the particular work they did. But there is one other difference that is most important and packed with meaning. If you understand this difference and the reason for it you will understand a very large part of American government. You will gain an idea that goes to the roots of our whole system.

You can discover this important fact for yourself. Look at a postage-stamp and you will find on it the words "U. S. Postage." Look on the policeman's shield and you will find the name of your city, New York, Chicago, San Francisco, or your village, however small. The name of the locality is there—but no "U. S."

The Two Kinds of Work.—This is not mere chance. It has a far-reaching cause. Can you work it out for yourself? Why should the postman be as he is an officer of the United States, of the national government at Washington, and the policeman an officer of your

local government? Is not the reason fairly clear when you come to think of it? The policeman's job is wholly local. He has his beat, which may change, but his work never takes him out of the locality. It is local peace, local order, that he is to preserve. So he is hired and paid by the local government, the village or city where you live. The postman, on the other hand, is part of a vast system that covers the whole country. Your particular postman's job is local enough, to deliver letters on a given street or route. But the letters he delivers come from all over the United States, all over the world. He is one small cog in a great machine which has to be unified and under one central control to work well. Naturally he is hired and paid by the national government, the Post-Office Department, at Washington.

The Principle of Home Rule.—Now, the great, general rule of America is to let each community do just as much governing as it safely can. The principle of home rule this is often called, and the idea of it is deep in every American. It goes back to our whole notion of personal liberty and the right of each individual to run his own concerns.

In the Family.—Self-control or self-government is the beginning of home rule. Every American boy and girl is trusted far more than other children. It is the American way to put children on their honor as far as possible, to let them learn the value of money by using and saving it, to run their games, and generally take responsibility early. There are, of course, many things in which parents and teachers must give orders and

children must obey implicitly. Whenever possible, Americans prefer to let their children learn by choosing and deciding for themselves. This system, we believe, produces self-reliant men and women, rich in individual character and common sense and what is called initiative, the ability to act alone, on one's own ideas, without prodding from some one else. Americans are self-starters, we like to think.

Centralized Government.—This principle applies not only in the home but all the way up, through each division of the country, in village, town, county, city, and State. You can see that the country might still be a democracy and be run on quite the reverse principle. All the power might be centralized at Washington. Your policeman might be hired by the government at Washington just as is the postman. That is, in fact, very much the way the French Government is run.

The American Theory.—But it is not the American way. Our theory is exactly that of home rule, that each community ought to run as much of its local affairs as it can run well. By handling their local affairs, running their schools, paving their streets, operating their own fire departments, Americans learn about public affairs and become self-reliant citizens, able to vote more wisely on the great national questions that arise. You can see that this is the self-government theory over again, that America tries to develop self-reliance in its communities exactly as it does in its boys and girls.

The Forty-Eight States.—The States are the essential framework of home rule in our government. They are

something far more than mere areas of square miles, physical divisions into which the nation is carved. They are living parts of our national being, as complete in themselves and as necessary and vital to the life of the nation as the nine individual players are necessary to a ball team. That is why they are all symbolized separately in the flag, each by a star and the thirteen original States by a stripe as well.

Without the States, each leading a life of its own, it is doubtful if our nation could endure. It was the prediction of European observers that no nation as vast as ours could long exist as a republic. That it has done so and has prospered and stands to-day securer than ever is due first of all to this basic American idea of a union of States, all endowed with full power of home rule.

Chance had everything to do with the creation of this unit at the start. As you know, there were thirteen colonies at the time of the Revolution and these thirteen colonies became the thirteen original States. Our forefathers united these separate governments into one government, which they called the United States of America. The name recorded exactly what happened. "Federal" is another word often used to describe this fact in our government, that it was formed of several governments united in one government. The word means just that. The Latin motto "E pluribus unum," which is on our coins, meaning "One from many," expresses the same idea.

There was no effort to destroy any part of the State governments. These going concerns were accepted of

necessity. The problem that faced the wise, far-seeing, and patient men who met in the Constitutional Convention of 1787 was how to give full home rule to each of these separate States and yet so firmly unite them in a single nation that no quarrel from without or within could ever break them apart. How marvellously successful they were, time has proved. William Ewart Gladstone, the great Englishman, declared that the American Constitution was "the most wonderful work ever struck off at a given time by the brain and purpose of man." That is the general opinion of mankind.

The National Government.—You see, then, the general scheme of our government. You can easily work out some of the details yourself. The mails were put in charge of the federal government (that is the government at Washington) for the obvious reason suggested before. Mails had to travel between States and, of course, no one State could handle them efficiently. All commerce between States (interstate commerce, it is called, which is Latin for between-state) was placed under national control. The coining of money, which has to circulate in every State, was placed under federal control. The power to declare war and control of the army and navy were also given to the national government. Otherwise, as you can see, the separate States might have quarrelled as they pleased and there would have been no real nation at all. Also the national government received the important power to raise money by taxation to pay its expenses. (You will remember from your American history that after the Revolu-

tion, from 1783 to 1788, when the Constitution was adopted, the country nearly fell to pieces under the Articles of Confederation which gave the central government no power to raise money and otherwise tied its hands.)

Later on the other powers of the national government will be stated in full. The point for you to see now is their general aim and character.

Power of the States.—All the remaining powers of local government were left with the State governments, which thus received a free hand to run their local concerns very much as they wished. Therefore each State in the Union is a government by itself, with very great powers within its own area. (The police power is one of these powers, and that is how, as we discovered before, your policeman never happens to have "U. S." on his shield, but always the name of the locality.) This is home rule on a gigantic scale. California can build its roads and run its schools and pass laws about marriage and divorce and what-not to suit its situation and people. So can Louisiana. So can Minnesota. So can Maine. Think how vast a country America is, how many different kinds of people there are in it, and how different the States are in climate, resources, and occupations, and you will see how useful and necessary it is that this sweeping home rule exists. It is safe to say that without this home rule by States America never would have hung together and become the great nation that it is.

Home Rule Within States.—What did the States do with all these powers? Well, part of their freedom was

to run their governments as they chose (within certain limits), and, therefore, no two State governments are exactly alike. The names of divisions vary, the names of officers vary, the whole systems vary. We shall go into these divisions within the States in detail later. It is enough to say now that the same principle of home rule is respected and carried out in every State. The powers that a State possesses, it passes on to its counties, its cities, its towns, and its villages.

To go back to your policeman, a State could, if it chose, hire all the policemen throughout its cities and villages, appointing them by its central government at its State capital. But no State does. Every State turns over this police power to the local government of city, county, village, or town.

So we end where we began, with home rule as the life-saving provision of American government, a living part of the structure of the original government through the preservation of the existing States, and an honored principle of government from one end of the country to the other.

Good and Bad Government.—Under this system each community gets just as good or just as bad a government as it deserves. If the voters of a village are intelligent and interested in their local government, if they watch it carefully and do their share of work, that village will be excellently governed. If the voters are illiterate and stupid and too lazy to vote or pay attention to public affairs, their village will be poorly governed.

What is true of a village is true of a city or a State.

And it is not less true of the whole nation. Democracy is not a short cut to good government. It is no cure-all. It simply enables a people fit for self-government to rule themselves as they deserve.

QUESTIONS ON THE TEXT

1. What important difference is there between the lettering on a postage-stamp and the lettering on a policeman's shield?
2. Why should the postman be an officer of the national government and the policeman an officer of the city or village?
3. What does the principle of home rule grant to each community?
4. How does it apply in the family?
5. What is a centralized government and what nation has this type of government?
6. Why do Americans believe in home rule?
7. What units of our government existed before the Revolution?
8. How many were there then and how many are there to-day?
9. How important are the States to the life of the nation?
10. What does "federal" mean?
11. What was the problem that faced the Constitutional Convention of 1787?
12. Name as many powers of the national government as you can.
13. Name as many powers of the States as you can.
14. Is the principle of home rule carried out within each State?
15. What determines in America whether a community is governed well or badly?

QUESTIONS FOR DISCUSSION

1. How many things does your city or village do?
2. Was your State one of the thirteen original States?
3. If so, how long before the Revolution was it settled?
4. If not, when did it enter the Union as a State?

CHAPTER IX

THE PRESIDENT

1. TERM AND POWERS

Open to All.—The presidency of the United States is the greatest office in the world, for which neither birth nor riches are required. Any American boy, however poor and whoever his parents may be, famous or unknown, can hope to become President. The only important restriction is that the President must have been born an American. (A naturalized citizen cannot be President.) It is also required that he be not less than thirty-five years old and have resided not less than fourteen years in the country. (Constitution, Art. II, Sec. 1, Par. 4.)¹

The Executive Branch.—As we saw before, the President corresponds to the captain of a team. He leads the nation, and he sees that the laws are carried out—"executes" the laws, in the language of the Constitution, which means the same thing. From this he is usually described as the "executive branch" of our government, just as Congress, our lawmaking body, is called the "legislative," and the courts, our umpires, are called the "judicial." His first and highest duty is

¹ The full text of the Constitution of the United States will be found at pages 173 to 189. All references in parenthesis are to the Constitution, by Article, Section, and Paragraph.

to "take care that the laws be faithfully executed." (Art. II, Sec. 3.)

Term and Powers.—The President is one of the most powerful rulers in the world. But two important facts must be kept in mind.

First, he is elected for a term of four years (Art. II, Sec. 1), and at the end of that time, unless the people wish him to continue in office, he loses all power and becomes a plain citizen like every one else. The President is often re-elected for a second term of four years, and there is nothing in the Constitution to prevent his election for more terms. But George Washington refused a third term on the ground that it might tend to make him seem a king, and his example has always been respected and followed. No President has had more than two terms or eight years.

Second, his powers are not anything he chooses, but, as you will see, only the definite things set down in black and white in the Constitution as his to do. These are the safeguards that prevent a President from becoming a tyrant or setting up anything like a monarchy.

Commander-in-Chief.—"The President shall be commander-in-chief of the army and navy of the United States," says the Constitution. (Art. II, Sec. 2.) This means that he ranks above all our generals and admirals, and that every battleship and every sailor and every soldier are his to command. You may have read during the Great War that it was finally won by the Allies largely because all the Allied armies were placed under Marshal Foch, thus achieving "unity of command," as it was called. Our fighting forces are run on this same

principle, that one man, the President, must have complete control. He chooses the generals, the admirals, and directs the entire movements of our armies and fleets. You can see that this, alone, gives the President of the United States a vast power.

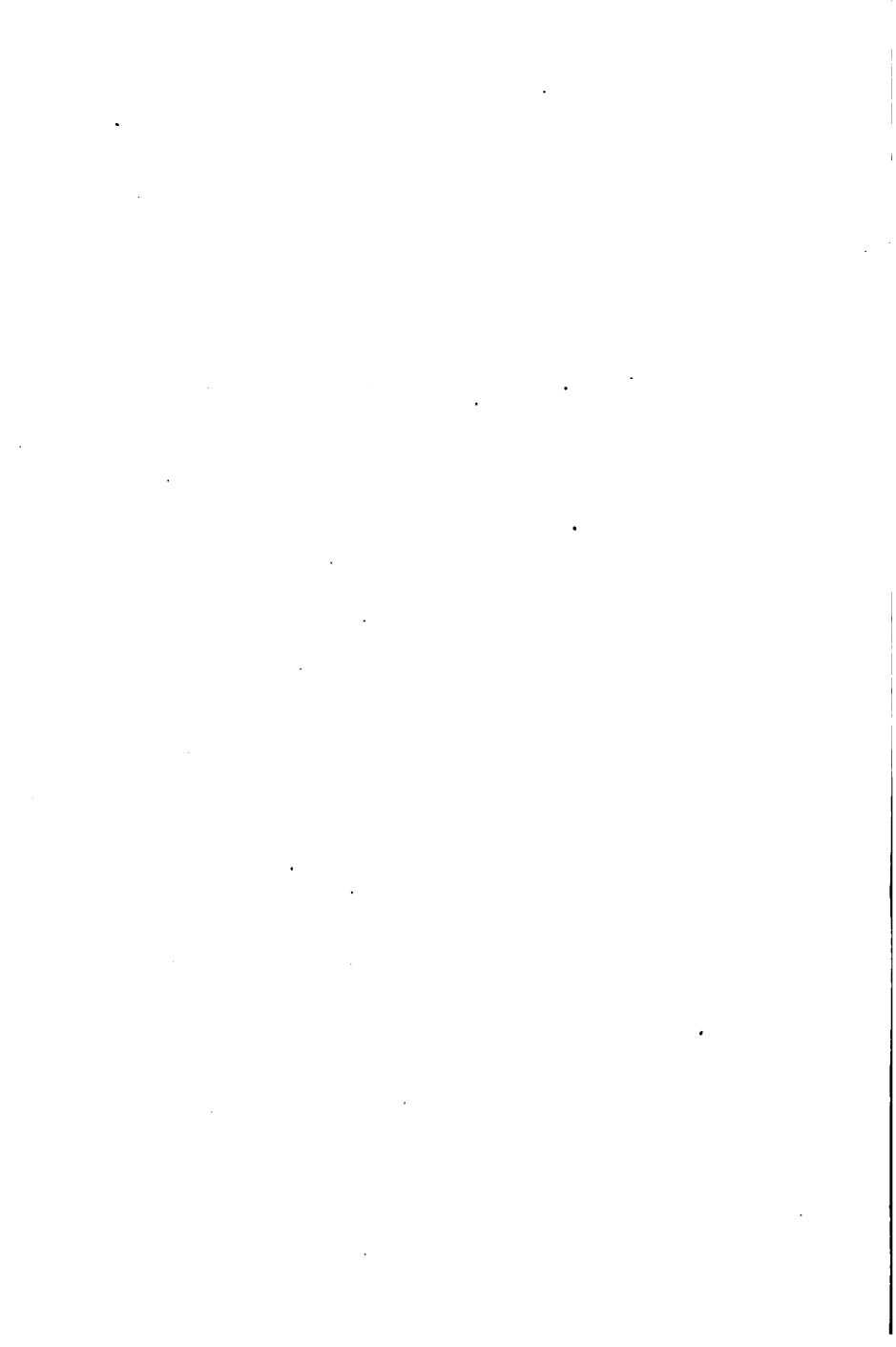
He Cannot Declare War.—Yet right here you can understand how carefully the President's powers, great as they are, have been limited so as to safeguard the people's rights. The President makes war for us through our armies and navies, but he cannot start a war. The power to declare war is reserved to Congress, composed of the House and Senate, our national legislature. Moreover, the President has no power to raise money to build ships or buy guns or anything else for army or navy. Congress has the sole right to raise money by taxation and give it to the President for these purposes. So you see that while the President commands our army and navy, he cannot say whom they shall fight or when.

Division of Powers.—This division of powers between President and Congress (and the courts, as you will see later) is one of the basic ideas of our government. The object is to prevent any one branch of the government from taking too much power and becoming tyrannical. You can observe this same purpose in much that follows. You will notice, for instance, that all important appointments made by the President must be approved by the Senate. This is a sweeping restriction on the entire executive power. Yet since the power of removal is given wholly to the President, his control over his subordinates is complete.



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THE BATTLESHIP "MICHIGAN" FIRING A BROADSIDE



2. THE CABINET

The Cabinet.—The President could not possibly do all his duties himself and Congress has authorized him to appoint ten secretaries in charge of as many departments. These are his official advisers and assistants, and are known as his Cabinet though not so named in any law. They hold meetings, presided over by the President, at frequent intervals. What goes on in these meetings is confidential, and no record of them is published. Each of these secretaries receives a salary of \$12,000.

The ten members of the Cabinet are:

Secretary of State, 1789.

Secretary of the Treasury, 1789.

Secretary of War, 1789.

Attorney-General, 1789.

Postmaster-General, 1794.

Secretary of the Navy, 1798.

Secretary of the Interior, 1849.

Secretary of Agriculture, 1889.

Secretary of Commerce, 1903.¹

Secretary of Labor, 1903.¹

These are set down in the order of their creation by Congress, with the years of their beginning. They show how the business of the government has grown with the country. Congress defines the powers of each secretary; but the President appoints them and can remove them at will.

Secretary of State.—The President has general charge of the foreign affairs of the nation. That is to say, he

¹ These two offices were united until 1913.

negotiates treaties (agreements with other countries), sends out ambassadors and consuls to represent the United States in foreign countries, issues passports (travelling papers) to our citizens who wish to go abroad, and protects our citizens and ships wherever they may be. The Secretary of State runs these affairs for him.

But here again is a notable case of limiting the President's power; for all treaties must be approved by a two-thirds vote of the Senate before they are binding, and the appointment of all ambassadors, etc., must be approved by a majority vote of the Senate. The makers of our Constitution felt that a treaty, being an agreement with another nation which might bring us into grave difficulties, perhaps even war, should take effect only when thus carefully considered and accepted by another branch of the government. (Art. II, Sec. 2, Par. 2.)

The Secretary of State is regarded as one of the highest and most important officers in the country. In many respects he ranks next to the President in honor. Thomas Jefferson was Secretary of State under President Washington, and James Madison under President Jefferson.

Secretary of the Treasury.—As the head of the Treasury Department, he handles all the money affairs of the national government. He collects the tariff (the tax on goods entering the United States from other countries) and all other federal taxes. He pays out money for all the expenses of the government. He raises money by loans (such as the Liberty Loans during the Great War). He coins our money, through a

subordinate known as the director of the mint; he has general direction of the national banks and the Federal Reserve banks.

In all these matters the President, and the secretary under him, can only carry out or execute the laws which Congress passes. That is to say, they can collect only the taxes that Congress orders and pay out only the money that Congress directs. The President, for example, can build a post-office only if Congress orders it and grants the money for it.

The Treasury Department also has charge of several other interesting departments: the Secret Service, to arrest counterfeiters and other violators of national laws; and the Coast Guard, which is a recent combination of two old services, the Revenue-Cutter Service, to prevent smuggling, and the Life-Saving Service, whose members patrol our coasts and, in case a ship is wrecked, seek to save the passengers and crew from drowning.

Secretary of War.—He has charge of the army and carries out the orders of the President as its commander-in-chief.

Army engineers do important peace work. They built the Panama Canal and have general charge of the improvement of our harbors and rivers.

The United States Military Academy at West Point, New York, is in charge of the War Department. It gives a free education for a four years' course, and graduates are commissioned as second lieutenants in the regular army. Each congressional district sends one cadet, who is named by the representative of the

district, usually after a competitive examination. Senators and the President also make a limited number of appointments.

Attorney-General.—This officer has charge of the Department of Justice and gives legal advice to all the departments of the government and acts as their lawyer in court.

Postmaster-General.—This member of the Cabinet has charge of the Post-Office Department. Its services will be described in Chapter XIII.

Secretary of the Navy.—He is in charge of the navy and carries out the orders of the President as its commander-in-chief.

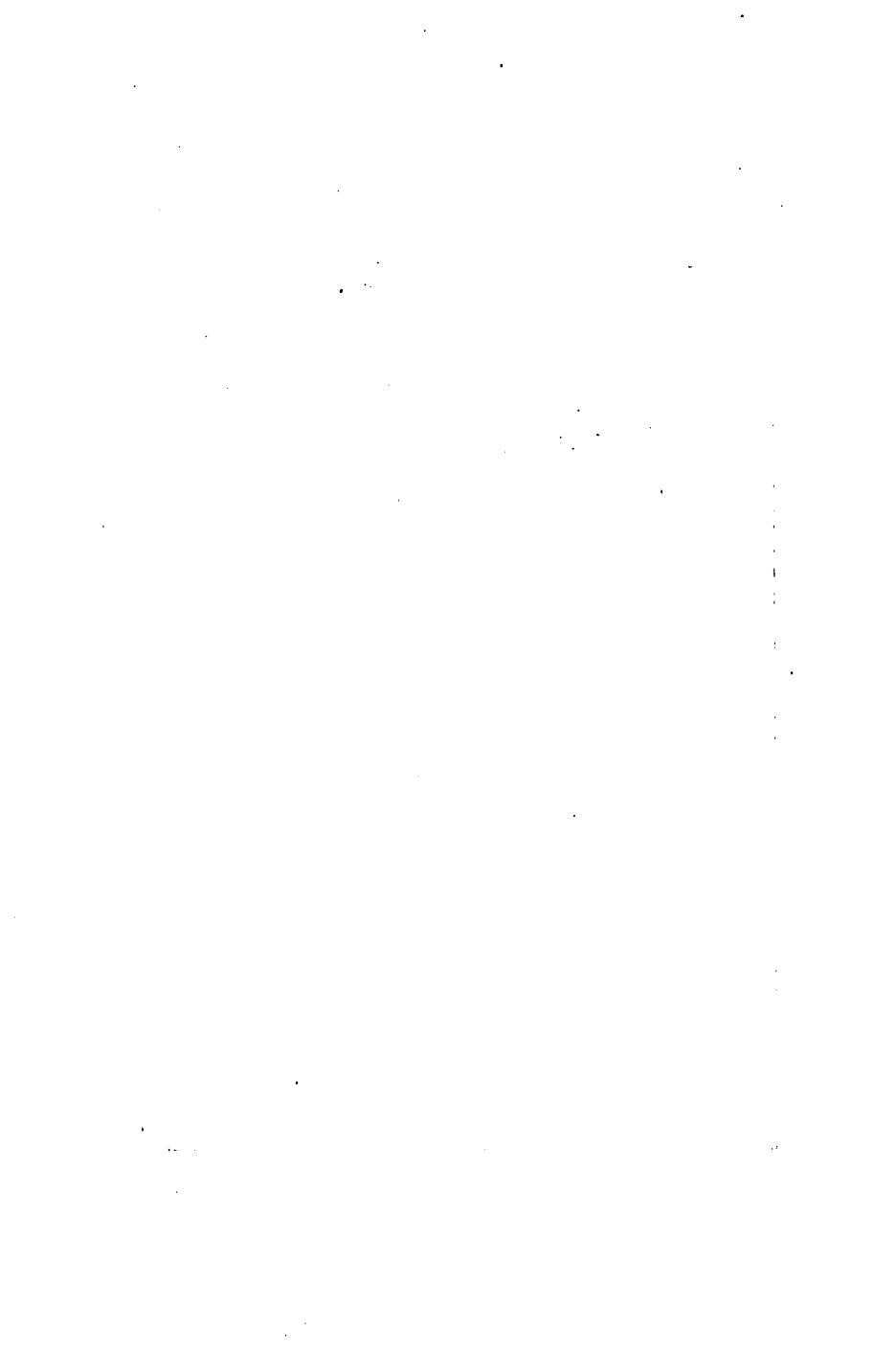
The United States Naval Academy at Annapolis, Maryland, is in charge of the Navy Department. It gives a free education lasting four years at the academy and two years at sea. Appointments are made as at West Point.

Secretary of the Interior.—This important secretary has charge of a number of miscellaneous internal affairs of the nation: the pensions for soldiers and sailors; the survey and gift or sale of the public lands; the national parks; the reclamation of arid lands by irrigation; the Indians; and patents (giving inventors of useful devices the exclusive right to profit from their discovery for a period of years). The department also includes a commissioner of education, whose work is simply that of investigation and advice, since the school system of the country is a local affair entirely.

Secretary of Agriculture.—His department maintains stations, at which it experiments with seeds and



THE WHITE HOUSE, WASHINGTON, D. C.



animals and spreads the knowledge thus gained among farmers. It also includes the Forest Service, the Weather Bureau, and two important bureaus that inspect foods and drugs to make sure that they are pure and wholesome.

Secretary of Commerce.—He has general supervision of all navigation, including the care of lighthouses and buoys, the inspection of steamboats, to see that they are safe, and the coast survey that prepares charts for sailors. His department restocks lakes, rivers, and the sea with fish. It takes the census every ten years, now a colossal work, since the country has grown from 3,900,000 in 1790 to 101,100,000 in 1910.

Secretary of Labor.—He has general supervision of immigration and naturalization, the entrance of foreigners into the United States and their admission to citizenship.

This department also includes a Bureau of Labor, that investigates the conditions of labor, and a Children's Bureau, that investigates child labor and other questions affecting the happiness and health of boys and girls. As we shall see, the regulation of labor conditions is primarily a State affair under the Constitution, and the powers of this national office are limited chiefly to advice.

Interstate Commerce Commission.—In addition to these ten departments, headed by the ten members of the Cabinet, the national government includes a number of other important bodies, chief of which is the Interstate Commerce Commission, created by Congress in 1887 to regulate railroad rates and make them fair and reasonable. It is appointed by the President.

Library of Congress.—This great library is housed in a magnificent building near the Capitol in Washington. It is in charge of a librarian appointed by the President. He has charge of copyrights, which give to writers of books, plays, songs, etc., the same exclusive right to profit from their work that patents give to inventors.

Territorial Governments.—The President has large powers in the government of all United States territory not included in any State. He appoints three commissioners to govern the District of Columbia, and a governor and various other officers for Alaska, for Hawaii, for Porto Rico, and for the Philippines. Residents of the District of Columbia have no vote whatever in their government. In Alaska, Hawaii, Porto Rico, and the Philippines the people share in the government through a legislature which they elect. Both Alaska and Hawaii also elect a territorial delegate who sits in the House of Representatives at Washington. He can speak on all questions concerning his territory but has no vote. Porto Rico elects one commissioner and the Philippines elect two commissioners who represent them at Washington, but have no seat in Congress. The Panama Canal Zone is in charge of a governor appointed by the Secretary of War; Guam and Samoa are governed by the naval officer in command there.

As we shall see, Congress has power under the Constitution to provide whatever government it thinks best for these territories and island possessions. It has passed laws setting up the various governments described above and placing in the President the power to make these important appointments.

Civil Service.—This is a phrase that is often used and you should understand what it means. "Civil" has many meanings. Here it means nothing more than "not-military." That is, the "civil service" of the government includes all office-holders not in the army or the navy. Now there are some 400,000 of these, and their number increases steadily year by year. Almost all of them are chosen by the President, and you can see what a task it would be if each new President appointed a new man for each job. That was the system for many years—the "spoils system," it was called, and it was based on the idea that "to the victor belong the spoils." As a party came into power its President threw out all the office-holders not of his party, and rewarded his political friends with jobs.

In 1883, however, a civil-service law was passed which ended much of this. It has been extended year by year. This law provides that public offices must be filled on the basis of merit after examinations, just like school examinations; and when once chosen, an officer holds his job during good behavior. He cannot be thrown out to make room for a politician.

The President has still a large number of appointments to fill, however, and this forms a large part of his duty. The most important appointments must be confirmed by the Senate, including the ten members of his Cabinet: the federal judges (including the justices of the Supreme Court); postmasters in the cities and larger towns; collectors of customs at the ports; federal district attorneys (who prosecute criminals); ambassadors, and consuls. (Art. II, Sec. 2, Par. 2.)

• 3. LEGISLATIVE POWERS

President and Congress.—All this, so far, you will observe, is executive power. Congress passes a law under one of its constitutional powers, and the President carries it into action. We come now to an important part that the President plays in the making of laws.

The Veto.—The word “veto” is Latin for “I forbid.” Under our Constitution, when Congress has passed a bill, it must go before the President before it takes effect. He can sign it, in which case it becomes a law at once. If he does nothing, it becomes a law after ten days, provided Congress is still sitting. If Congress adjourns within ten days, the President need do nothing. The bill fails unless he signs it. This is called the “pocket-veto.” Or he can “veto” the bill, sending it back to Congress with any reasons he cares to give. This kills the bill.

Congress can take it up again if it wishes, but cannot pass it over the President’s veto, except by a two-thirds vote of both Houses. As this vote is difficult to get, the President’s veto is a very powerful obstacle to Congress. It compels Congress to pay attention to the President’s views if it wishes its bills to become laws, and gives the President a very decided influence on all legislation. A strong and courageous President has more influence than a weak one. But the power is very real and important in any President’s hands.

Here, you will notice, the Constitution places a very important check upon Congress and its whole legislative power. (Art. I, Sec. 7, Pars. 2 and 3.)

Messages to Congress.—The Constitution provides that the President shall “from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.” (Art. II, Sec. 3.) George Washington delivered his messages to Congress orally. Jefferson, not caring for public speaking, sent his messages in writing, and that continued to be the custom down to President Wilson who resumed the forgotten practice of addressing Congress in person. The President usually sends an annual message and as many shorter messages as he deems proper. This right is not nearly as effective as the power of the British Premier, who sits in the British House of Commons and leads its debates, but it adds considerably to the President’s influence upon legislation.

Special Sessions of Congress.—The President can call Congress in special session to consider any subject that he considers important whenever he wishes. This gives him an added influence upon Congress, for he can keep Congress sitting as long as he wishes. (Art. II, Sec. 3.)

These three powers, to veto bills, to send messages to Congress, and to call special sessions of Congress are the only legislative powers of the President.

4. JUDICIAL POWER

Pardoning Power.—The President has another power, really judicial. He can pardon any criminal convicted under a federal law—that is, for example, mail thieves, counterfeiters, or smugglers. There are no constitu-

tional limits on this power, but no President uses it except to free a man who has been wrongly or too harshly punished; to correct the errors of courts, in other words. (Art. II, Sec. 2, Par. 1.)

5. ELECTION

Election of President.—This is one of the few provisions of the Constitution which have not worked out as the makers of the Constitution hoped. They planned an electoral college of wise men chosen by the people, and gave the election of a President and Vice-President to this body. They did not trust the people to pick a good President directly. This body still exists, and when you vote for President you nominally vote only for “presidential electors.” But these men are selected by the parties who have already named their candidates for President and Vice-President and the electors always vote as their parties wish. So your vote really counts for the candidate and the electoral college might just as well not exist. The Constitution still provides for the electoral college, but the people vote directly for their President none the less. The original provision (Art. II, Sec. 1, Par. 2) was changed in 1804 by the Twelfth Amendment, but not so as to eliminate the electoral college. The vote for President was merely separated from the vote for Vice-President.

Minority Presidents.—The only effect of preserving this peculiar provision is to make possible sometimes the election of a “minority President”—that is, a President who did not receive a majority of all the votes in the country. This is because the electors are chosen



From a photograph by G. V. Buck. From Underwood & Underwood

PRESIDENT WILSON DELIVERING HIS WAR MESSAGE TO CONGRESS, APRIL 2, 1917



by States. Each State has as many votes in the electoral college as it has representatives and senators in Congress. Now if one candidate carries a few States by very large majorities, and his opponent carries many States by very small majorities, the latter may easily win a majority in the electoral college, and yet not have half of all the votes cast. Lincoln was a minority President in 1860. So have been eight other Presidents. This seems queer and unjust, but it is our historic method, and it has never been considered worth while to change it.

Election by the House.—The electors of each State meet at the State capitol on the second Monday in January following the election and vote. Their ballot is sent to the president of the United States Senate and on the second Wednesday in February the president of the Senate, before a joint session of Congress, opens the ballots and they are counted.

A majority of the electoral vote is required, and therefore if there is a tie or the votes are split among a number of candidates the election fails. In this event the election is thrown into the House of Representatives, which chooses a President from among the three candidates standing highest in the vote of the electoral college. In this balloting each State has one vote. The Senate elects a Vice-President under similar conditions. Twice the election has been thus thrown into the House, in 1800, when Jefferson and Burr were tied, and in 1824, when the electoral votes were divided among four candidates and John Quincy Adams was elected by the House.

Inauguration Day.—The President is elected early in November (the Tuesday following the first Monday), every four years, 1916, 1920, etc. But he does not take office until the March 4 following (in 1917, 1921, etc.), that date being known as Inauguration Day. He then takes the oath of office set forth in the Constitution (Art. II, Sec. 1, Par. 7): "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States." The oath is administered by the Chief Justice of the United States. This ceremony is preceded by a great parade and followed by a speech from the new President outlining his policies, delivered from the Capitol steps before a vast crowd. He is then driven to his new home, the White House. The President receives a salary of \$75,000.

The President's Death.—If the President dies or becomes disabled the Vice-President, elected at the same time with him, becomes President. Until that time the Vice-President has nothing to do except to preside over the Senate. His salary is \$12,000. If the Vice-President dies before the President, the succession then goes down through the Cabinet in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior. (Art. II, Sec. 1, Par. 5.)

QUESTIONS ON THE TEXT

SECTION 1

1. What are the Constitutional qualifications for the Presidency?
2. What are the three branches of the American government?
3. How long is the President's term?
4. Can he be re-elected?
5. Can the President rule the country as he wishes?
6. How does the Constitution provide for a unified command of the army and navy?
7. Who alone has the right to declare war?
8. Can the President raise money by taxation?
9. Why does the Constitution carefully divide powers between President and Congress and what illustrations of this division can you give?

SECTION 2

10. How many members are there in the cabinet?
11. Describe a cabinet meeting.
12. How many departments can you name?
13. How many were created in 1789?
14. What are the matters of which the secretary of state has charge?
15. What is a passport?
16. What are treaties and who negotiates them?
17. By whom must a treaty be ratified and by what vote before it is binding on the United States?
18. What has the secretary of the treasury charge of?
19. In what two ways can he raise government funds?
20. What is the Revenue Cutter Service?
21. What criminals does the Secret Service pursue?
22. What has the secretary of war charge of?
23. What important work do our army engineers do in time of peace?
24. What does the attorney-general do?
25. What has the secretary of the navy charge of?
26. What has the postmaster-general charge of?
27. What matters in charge of the secretary of the interior can you name?

28. What does the Department of Agriculture have charge of?
29. What matters in charge of the secretary of commerce can you name?
30. When is the census taken?
31. What has the secretary of labor charge of?
32. What does the Interstate Commerce Commission do?
33. What has the librarian of congress charge of?
34. What appointments does the President make for the District of Columbia, for Alaska, for Porto Rico, for the Philippines?
35. Which territories and possessions have legislatures of their own and which are represented at Washington?
36. What does civil service mean?
37. What is the spoils system and how does the civil-service law end it?
38. What appointments must be confirmed by the Senate?

SECTION 3

39. What is the chief legislative power of the President?
40. If exercised, what can Congress do?
41. How are the President's messages to Congress delivered?
42. Who can call Congress in special session?

SECTION 4

43. Are there any limits to the President's pardoning power?
44. What criminals does it touch?

SECTION 5

45. What is the Electoral College?
46. How has it worked out differently from the original plan?
47. What is a minority President?
48. Can you explain how such a President can be elected?
49. What happens if no candidate has a majority in the Electoral College?
50. When is the President elected and when does he take office?
51. What happens on Inauguration Day?
52. If the President and Vice-President should both die, who would succeed to the office?

QUESTIONS FOR DISCUSSION

SECTION 1

1. How many Presidents have been re-elected?
2. Has there ever been a President from your State?

SECTION 2

3. Can you name any cabinet officers from your State?
4. How many present members of the cabinet can you name?
5. Why was it necessary for the Senate to ratify the Covenant of the League of Nations?
6. What national parks can you name?

SECTION 3

7. Have you ever seen a presidential message to Congress?

SECTION 5

8. How many Presidents have died in office?
9. Has the succession ever gone beyond the Vice-President?

CHAPTER X

CONGRESS

1. THE TWO HOUSES

The Legislative Branch.—The rules of baseball, as we saw, are made by a national commission representing the big leagues. Most of the rules are very old, and were followed by boys playing the game long before they were written down. But changes are made almost every year to meet new conditions or clear up doubts, and that is why a rule-making body is always needed. The laws of the United States are much the same. Many of them are very old and were customs, habits of right and fair-dealing among men, before they were written down into laws. But the country grows so rapidly, conditions of life change so constantly, that new laws are needed every year. Therefore, the Constitution creates our Congress that sits every year in Washington, debates our national problems and makes our laws (subject, as we have seen, to the President's right of veto). It is called the legislative branch of our government. (Art. I, Sec. 1.)

Two Houses of Congress.—Congress is composed of two bodies, the House of Representatives (usually called the "House") and the Senate. One meets in one end of the Capitol at Washington, the other in the other. A bill must be passed by both House and Senate before

it can become a law. The two bodies are unlike in every important respect save that both are elected by the people.

The House of Representatives now (1919) contains 435 members, allotted to the States according to population. Thus the large States have many representatives, the small ones few. New York has 43 representatives, Delaware 1. Originally each State was allowed 1 representative for every 33,000 inhabitants, and this gave the first House 65 members. If this ratio had remained unchanged the House would now consist of over 3,000 members, which would make a body far too large for effective deliberation. Congress has therefore increased the ratio from time to time. A representative is now allotted to every 210,000 inhabitants (about). But each State, however small, is entitled to 1 representative. (Nevada, for instance, has a representative, though its population is only 81,000, less than half of the quota.) Congress fixes the ratio of representation after each decennial census. (Art. I, Sec. 2.)

The Senate has 96 members, 2 from each State. Large and small States are thus represented alike. Illinois, with 5,600,000 inhabitants, has two senators, and so has Wyoming, with 145,000. It has increased in size only as new States have been admitted to the Union. (Art. I, Sec. 3.)

There are several other important differences between House and Senate. A senator must be at least thirty years old; a representative need be only twenty-five. A senator is elected for a term of six years, a representative for only two years. Besides, all the representatives

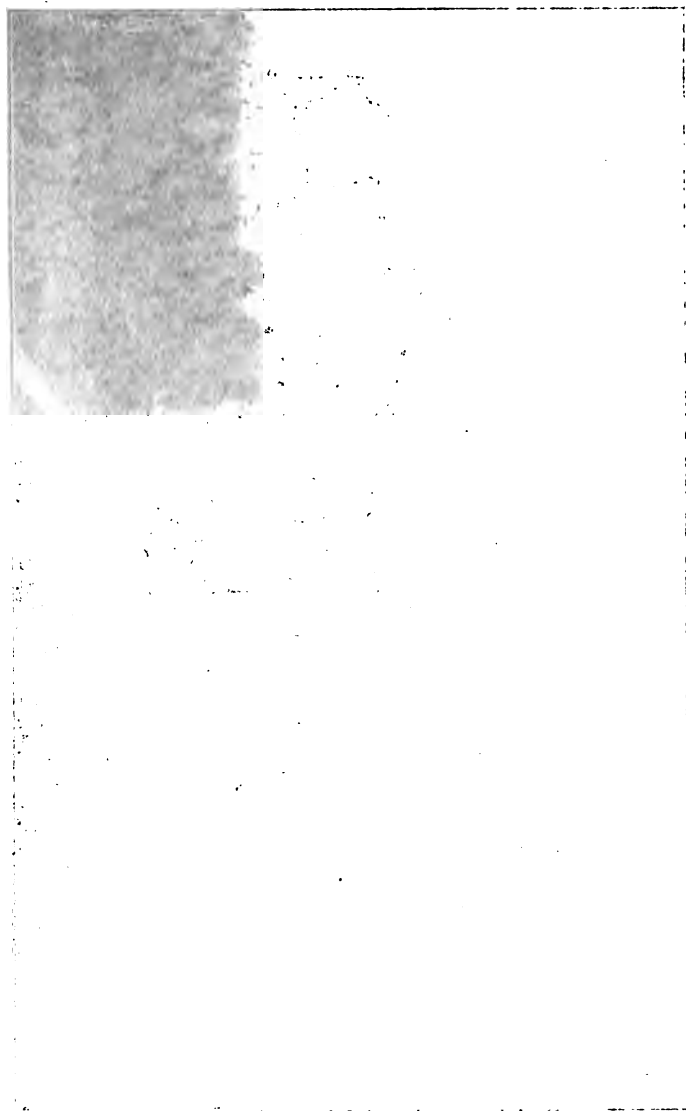
are elected at the same time and thus go out of office at the same time, whereas in the Senate the terms are so arranged that only one-third are elected at any one election, two-thirds always holding over.

Why Two Houses.—Can you see any reasons for having two legislative bodies so unlike one another? The explanation of one great difference is historical. As we saw before, when the Federal Government was formed in 1789, the original States came in with all their existing governments. They varied much in size, and local pride was very strong. The smaller States would not have come into the Union if the Senate had not been planned so as to give them equal power and prestige, and thus prevent the larger States from taking full control. The theory was that the Senate represented the States as governments. That is the first reason why large and small States have the same vote and power in the Senate.

But there are other and better reasons for having two houses and having the membership of one older in years and less frequently changed. The preparing and passing of good laws is a slow and difficult business requiring much thought and care. People are constantly having new ideas that sound well but that do not work out. If we had one legislative body, and that the House, new and untried and ill-considered laws might be passed. With the Senate we are surer of thorough debate and investigation and careful decisions. They represent different points of view. Each is a check on the other. By the time both have agreed on a law, we can be fairly confident that it is a wise and just one.



THE CAPITOL, WASHINGTON, D. C.



Direct Election of Senators.—The Constitution originally had no additional device for making the Senate less likely to select hastily. It provided that no new representatives should be elected directly by the people; the senators should be chosen by the State Legislatures. The thought was that it was more conservative and thoughtful men would be chosen. Also, this system accorded with the theory of the Senate as the representative of the States as governments. This did not meet the approval of Americans, and in 1913, by the Seventeenth Amendment to the Constitution, this was changed, and to-day our senators are elected as are the representatives, by popular vote.

Election of Representatives.—Congress has provided that representatives must be elected by districts and not by the whole State ("at large," as this latter method is termed). Of course, in small States, Arizona, Delaware, Nevada, New Mexico, and Wyoming, entitled to only one representative, he is elected by the whole of the whole State. The States lay out these congressional districts as they wish, and much unfairness has been worked at times in the effort by a party in power to apportion the State to its advantage. The trick has been either to throw the greatest possible number of hostile voters into one district, certain to be hostile anyway, or to add a friendly area to an evenly divided district. Congressional districts have taken on extraordinary shapes as a result, a "shoe-string" district in Mississippi and a "dumbbell" district in Pennsylvania, for instance. The device is called "gerrymandering," after Elbridge

Gerry, of Massachusetts. He had helped redistribute the districts of his State so as to produce one district resembling a queer animal figure. "A salamander," it was suggested. "Better a Gerrymander" some one replied, from which the name passed into political slang.

A representative is not required by law to live in the district that elects him. But custom demands it. It has been argued that abler men might be sent, if this restriction were not imposed, even though the local interests of the district might not be so closely regarded. The English custom, by contrast, frequently elects great national figures from districts where they do not live.

The salary of representatives and senators is the same, \$7,500 a year, with mileage to and from Washington.

2. POWERS

The Powers of Congress.—Congress, like the President, is not free to do anything it wishes. It can do only what the Constitution expressly permits it to do. Its powers are mainly set forth in Section 8 of Article I of the Constitution. They are, as we saw before, the powers which the nation needs to preserve itself, and which the nation can exercise better than the States. All the other matters, affecting local concerns, are left to the States to handle as they think best. The chief matters thus given to Congress to legislate about are as follows:

1. To collect taxes.
2. To borrow money.

3. To regulate commerce to and from foreign countries and between the States.
4. To coin money and punish counterfeiters.
5. To establish post-offices and post-roads.
6. To provide for patents and copyrights.
7. To punish piracy and other crimes committed on the high seas.
8. To declare war.
9. To maintain an army and navy.
10. To govern the Territories (Art. IV, Sec. 3) and the District of Columbia.
11. To admit new States. (Art. IV, Sec. 3.)
12. To make all the laws needed to carry into effect these powers.

As you see, under the last clause Congress has a very liberal grant of power with respect to the things it is permitted to take charge of. Congress has a free hand in the jobs assigned to it. This has often been called "the elastic clause," because it has been stretched in some cases to cover a good deal. Those who believe that the national government should not increase in power, construe it very strictly. Those who would strengthen the national government construe it liberally. This is an old and perennial dispute between American political parties.

By referring to the tenth clause above you can work out a neat illustration of what Congress can and cannot do. The Territories (Alaska, etc.) and the District of Columbia are considered wards of the national government, and have no right to govern themselves as the States have. Congress can give them whatever

laws it wishes to local laws as well as the national laws described in the other eleven powers. It can provide local policemen for Alaska and decide how the Streets of Washington (in the District of Columbia) shall be paved.

It can do none of these local things in New York or Illinois or California or any of the States. In them it can only run the mails, draft soldiers, and do the other national things enumerated. All the other things are left to the States to do as they will.

As you will have noticed, these powers granted to Congress (over, in every general terms, the things that the President through his Cabinet carries into action. The people adopted the Constitution; by it they gave Congress the power to make laws about certain things; the President sees that such laws are passed and are carried out. Congress and the Bill of Rights. As was stated in Chapter VII, Congress, with all its power, cannot pass any law interfering with the liberties of American citizens. Personal safety and freedom, religious freedom, free speech, property, trial by jury, are all protected by what is often called the Bill of Rights in the Constitution—the first ten amendments passed shortly after the original Constitution was adopted. Just how Congress is restrained will be explained in the next chapter on the courts. Section 9 of Article I also ties the hands of Congress in certain similar respects, as, for instance, in prohibiting any title of nobility. Congress could not create a prince or duke or earl if it wanted to.

Special Powers of the House and Senate.—As we saw before, the Senate has certain powers all its own. It can approve or reject treaties which the President makes with foreign countries (a two-thirds vote being necessary for approval). It can confirm or reject the President's appointments to certain high offices, judges, ambassadors, etc., as noted in the preceding chapter. From this power has grown a custom known as "senatorial courtesy" whereby a President is expected to consult the senator of his own party in a State, if there is one, before making an appointment therein. Thus the senators have gained a large control over federal "patronage," as this selection of office-holders is called.

The only peculiar power of the House is that all the tax bills must start in it—this because taxes hit all the people and the House is better able to speak for all the people at any given time than the Senate. Once introduced in the House, tax bills must go to the Senate and be passed by the Senate like any other bills. (Art. I, Sec. 7, Para. 1.) When a President or any federal officer violates the law or the Constitution, Congress can remove him by a trial known as "impeachment." In this, the House accuses him and states the charges, and the Senate tries him, sitting as a court. But one President has ever been thus tried, Andrew Johnson, and he was not convicted. (Art. I, Sec. 2, Para. 5, and Sec. 3, Para. 6 and 7.)

3. ORGANIZATION.

How Congress Works.—The House elects a speaker who presides over its sessions. His position is one of great

importance and influence. Any representative can propose any bill, that is to say, the draft of a law, that he wishes to. It is referred to a committee which can either kill it or, if it approves, report it back to the House for action. The House is divided into a large number of these committees, each with certain subjects assigned to it, and, as you can see, very important and decisive action takes place in these committees. One of the most important is the Ways and Means Committee, which passes upon all tax bills for the raising of revenue. The most powerful is the Committee on Rules, which largely determines what bills shall be considered. The bill, if reported back by the committee, must be read three times on three different days—this to make sure that no bill is slipped through unawares—and is then voted upon. If it receives a majority of votes it is sent to the Senate, which takes it up in just the same way, referring it to a committee, and so on. If the Senate passes the bill it goes to the President for him to approve or veto. If the Senate does not pass it, the bill fails. Often the Senate amends, that is to say, changes the bill as it comes from the House, and the matter then goes to a conference committee of representatives and senators, who try to adjust the differences and agree upon a compromise bill which can pass both House and Senate.

The Vice-President presides over the Senate, but he has no vote except when there is a tie. Bills are introduced in the Senate, referred to committees, and so on, exactly as in the House. The only restriction is that noted before, that tax bills cannot be introduced in the

Senate. Owing to its smaller size the Senate is a much more effective forum for debate than the House. When the Senate is considering treaties or presidential appointments it is said to be in "executive session" and its proceedings are secret.

Congress meets every year on the first Monday in December. It also meets in special session at other times, when the President summons it.

QUESTIONS ON THE TEXT

SECTION 1

1. Why is a legislature necessary?
2. How many representatives were there in the first House and how many to-day?
3. How many Americans did a member of the first House represent and how many Americans does each member of the House represent now?
4. How many senators from each State?
5. What is the term in the House and what in the Senate, and what other differences are there in the composition of the two bodies?
6. What is the historical reason for our Senate?
7. What other reason is there for two legislative bodies?
8. How were Senators originally elected and how are they now chosen?
9. How are representatives chosen and what is a gerrymander?

SECTION 2

10. What sort of powers has Congress?
11. How many can you name?
12. What is the "elastic clause"?
13. Is the power of Congress over the territories and the District of Columbia complete?
14. What is the Bill of Rights and where is it to be found?

15. Can Congress create a state?
16. What peculiar powers has the Senate?
17. Where must tax bills originate?
18. What is impeachment and how is it carried out?

SECTION 3

19. What do the committees of the House and Senate do?
20. Trace the passage of a bill from the time it is introduced till it becomes a law.
21. Who presides over the House and who over the Senate?
22. What is an executive session of the Senate?
23. When does Congress meet?

QUESTIONS FOR DISCUSSION

SECTION 1

1. Do you know the name of the representative from your congressional district and the names of the two senators from your State?
2. What is the population of your State and how many representatives has it?
3. What are the boundaries of your congressional district?

SECTION 2

4. Why was President Johnson impeached?

SECTION 3

5. Is Congress in session and when did it begin to sit?
6. Who is the speaker of the House?

These courts also settle disputes and punish crimes arising under the laws passed by Congress and under treaties with foreign nations. There are State courts which pass on the laws enacted by State legislatures, as well as local crimes are local in character.

CHAPTER XI

THE FEDERAL COURTS

The Need of National Judges.—The simplest rules of baseball need an umpire to apply them, and you can see how great is the need of a fair and unbiased umpire to tell the President, Congress, and the people just what the Constitution means on any given subject. Disputes would be endless, otherwise. Even more important, Congress might claim power not really given it; it might pass a law taking away religious liberty or free speech or a man's life or property; and if there were no umpire to say no, the law would prevail.

Their Powers.—The federal courts, of which the Supreme Court at Washington is the highest and final authority, act as this umpire. Their chief work is to interpret the Constitution, decide what it means, and if Congress has exceeded its powers to say so. When these courts decide that a law is not authorized by the Constitution, that law is unconstitutional, that law is wiped out. Similarly, if anybody violates the Constitution, a private citizen, or a policeman, or even a State judge or a State legislature, the federal courts step in and direct that the Constitution be obeyed. These courts are the bulwark of the Constitution. Without them it could not protect our liberties or make our country a safe and happy place to live in.

These courts also settle disputes and punish crimes arising under the laws passed by Congress and under treaties with foreign nations. There are State courts which pass on the State laws enacted by State legislatures, as we shall see. Most crimes are local in character and are tried in the State courts. Thus, if a boy smashed a street-lamp he would be breaking a local, that is, a State law, and would be tried in a State court. But if he stole a letter from a letter-box he would be breaking a federal law protecting the mails, which are a national concern, and would be tried in a federal court. Counterfeiters must similarly be tried in federal courts, for it is the federal law which punishes counterfeiting.

The federal courts hear certain other cases as well. All disputes between States come before them, also all suits between citizens of different States. The idea is here that the federal court is better fitted to be impartial, since it is chosen by the President and not by either State. (Art. III, Secs. 1 and 2.)

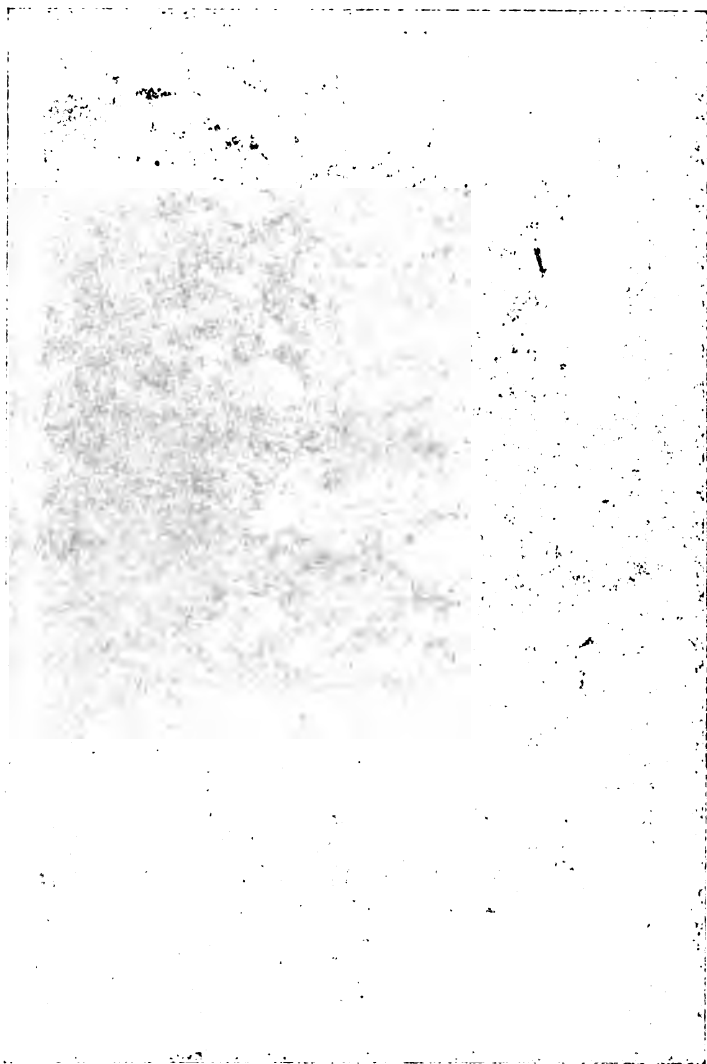
The Supreme Court.—This is the highest court in the land, and in many respects the most wonderful court in the world. It has successfully applied the Constitution to our changing, vastly growing nation through more than a century and a quarter. Membership on it is one of the highest honors in the country. The Chief Justice ranks as one of our greatest public figures.

The court consists of the Chief Justice and eight associate justices. They are appointed by the President (with the consent of the Senate) and serve for life. The court sits in the Capitol at Washington. The



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THE JUSTICES OF THE U. S. SUPREME COURT

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salary of the Chief Justice is \$15,000, the salary of the associate justices, \$14,500.

Most cases come before it on appeal from the lower courts. That is to say, the side that loses at the first trial "appeals" to this higher court to have the decision changed.

District Courts and Circuit Courts.—The lowest federal courts, in which suits usually begin, are called district courts. Appeal is first made to the circuit courts of appeal and thence to the Supreme Court. There are district judges and circuit judges sitting in every State. They are all appointed by the President (with the consent of the Senate).

QUESTIONS ON THE TEXT

1. How do the federal courts see that the Constitution is obeyed?
2. What cases come before the federal courts?
3. What cases come before the State courts?
4. How many justices in the supreme court?
5. What are the other federal courts?

QUESTIONS FOR DISCUSSION

1. Who was the greatest of our chief justices?
2. Who is chief justice now? Can you name any of the associate justices?
3. Can you think of any other cases than those in the text that would naturally come before the federal courts?

CHAPTER XII

THE THREE BRANCHES OF OUR GOVERNMENT

Our System of Checks and Balances.—You have now seen the three branches of our government—the executive, the legislative, and the judicial—and you have seen in detail how they check each other. The legislative power of Congress is checked by the President's veto. The executive power of the President is checked by the Senate's right to reject his appointments. The judiciary can check Congress all along the line by its right to hold it to the Constitution. All this was carefully planned by the makers of our Constitution, with definite purposes in view. They called it a system of checks and balances.

Its Purposes.—The purposes were two. One was to prevent tyranny by any one branch. The other was to prevent hasty action by the nation. If too much power lay in any one branch, or if the branches were not separate—if the executive and legislative powers were united in one body, for instance (as is true in England to-day, where the chief executive is the premier chosen by the House of Commons)—there would be danger that some very strong man or men would usurp power and set up a dictatorship.

The second reason does not appeal to some Americans with plans of change and reform. Undoubtedly the system has sometimes held back desirable changes too

long. It certainly compels delay, debate, and second thoughts. It has certainly prevented many blunders. If it errs on the side of "safety first," it has worked and worked successfully for many years, through all kinds of strain and stress. Even if it makes us impatient at times, we should realize its value and hesitate a long time before changing it.

QUESTIONS ON THE TEXT

1. What illustrations of our system of checks and balances can you give?
2. What are the two objects of the system?
3. Why should we be slow to change it?

CHAPTER XIII

WHAT THE NATION DOES FOR US

1. THE FUNDAMENTAL SERVICES

In Our Daily Life.—Having viewed the machinery of our national government, let us examine in detail what services it renders each of us. Most of the things that come nearest to our daily life, that make life in a village or city pleasant and comfortable, are done by the local government, as we shall find later. But the national government performs some important services of this character, the delivery of mail, for instance; and as we know from our study of liberty and fair play, it performs other services even more important though not usually so plainly to be seen and appreciated. Let us take up these latter first. They have been already suggested.

The Greatest Services of All.—The basis of all our rights of liberty, our safety and happiness, our religious freedom, our free speech, is our strong, unified, national government. Under weak and unstable governments no man's life or property is secure from day to day. You have read in our own history how troubled were the years just after the Revolution, when the thirteen colonies were only loosely held together under the Articles of Confederation. It was, in fact, the disorder and confusion of these years that made the colonies see the need and wisdom of a strong union under the Constitu-

tion. From 1783 to 1789 the new American confederation was threatened from without and from within, and the new Constitution gave the nation vast powers to end these troubles and safeguard the people's liberties. The preamble to the Constitution states this clearly:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Enemies Abroad.—In time of peace we are apt to forget this elementary service that America does for us. Any one who lived through the period of the Great War can never make this mistake. When the war came, it was our national government at Washington that carried the whole burden. Local governments are useless in such a crisis, for unity of command is essential. To protect us from foreign invasion, to command us in our battles, to speak for America among the nations of the world, we must look to our national government. That is the most vital service of all. Upon it depends our whole safety and happiness. For if we were a weak, divided nation, without army or navy, and with no strong government, we might be conquered, deprived of our rights, and ruled as a colony, as indeed the imperialistic Germans dreamed of doing. China is the best example of such weakness. She has been invaded and overrun and conquered time and again.

This danger of war is no remote possibility, though

people are apt to forget in time of peace how constant the danger is. Our country was founded by a long and bloody war, the War of the Revolution. Since then we have fought five wars: the War of 1812, the Mexican War, the Civil War, the Spanish War, the Great War. The Revolution ended in 1781, the Great War in 1918. That is a period of one hundred and thirty-seven years, and, therefore, the average interval between wars has been less than twenty-seven years. The longest period between wars was from the Civil War to the Spanish War, 1864 to 1898, which is thirty-four years. Every generation of Americans has gone to war, and every American who has lived to middle age has lived through a war.

In time of peace our foreign trade depends on the same force. Because our nation protects its flag wherever flown and its citizens wherever they travel, other nations respect us and our citizens can go where they will. If this were not so it would be impossible for us to build up our commerce overseas.

In 1904 an American citizen of Greek ancestry, Ion Perdicaris, was seized by a bandit named Raisuli in Morocco and held a prisoner. President Roosevelt cabled to our representative that we must have "Perdicaris alive or Raisuli dead." Perdicaris was promptly surrendered uninjured.

Arbitration and the League of Nations.—In an effort to prevent war with all its cost in suffering and lives, the arbitration of disputes between nations was often resorted to during the last century. Our country has been a leader in developing this method of settling interna-



From a photograph by the Times Photo Service

U. S. TRANSPORT "LEVIATHAN" ENTERING NEW YORK HARBOR
The Statue of Liberty stands in the background



tional quarrels. A court of arbitration is always arranged for by treaty and the two nations submit their arguments to this court exactly as two citizens try a case before a judge. A permanent court of arbitration was established by the great nations at the Hague Peace Conference in 1899.

This system, however, did not prevent the Great War from breaking out in 1914. Overwhelmed by the terrible losses of this war the nations of the world sought in the League of Nations a more effective means of arbitrating disputes and preventing war. It is the hope of the whole civilized world that peace has been made more secure for the future and that the danger of war will grow smaller and smaller.

Enemies at Home.—The national government also protects us against the graver forms of disorder at home. It cannot do ordinary police work. That is left to the States, as we have seen. Your local policeman is expected to protect you against thieves, and there is a State militia (our State volunteers) which the governor can call out to protect property and lives when there is disorder. But if a riot or a rebellion grows serious and the State authorities are unable to quell it, the State Legislature (or if the legislature is not in session, the governor) is entitled to call upon the President to send troops of the national army to help. (Art. IV, Sec. 4.) Under the same section it is made the duty of the national government to see that every State has "a republican form of government." This means that no State can set up a monarchy or any tyranny, and that all the troops of the United States will be

called out if necessary to compel popular government in a State.

In one other way the national government preserves order within the States. The President must "take care that the laws be faithfully executed." (Art. II, Sec. 3.) To do this he can use the entire army if necessary. When a strike tied up the mails in Chicago in 1894 President Cleveland sent national troops to preserve order and prevent the mails from being held up or destroyed. The mails were not stopped.

These services show how fortunate we are to live in a strong, stable, unified nation, that gains us respect wherever we travel abroad and holds our lives and liberties, our property and our happiness safe against riot and rebellion at home.

2. THE LESSER SERVICES

Other Services.—We come now to the simpler and lesser things that the national government does for us. These have increased constantly with the growth of the country, and are likely to increase more. Why?

Our Changed Conditions.—Just consider what the country was like in 1789. Then most Americans were farmers, and each farmer grew almost everything that he and his family ate—wheat, pork, mutton, beef, milk, eggs, and so forth. His wife spun the wool and made the clothes. There were no factories. There was very little trading between States. To-day, the farms are mostly huge farms, each growing a few products which are shipped all over the country. The wheat farmer grows chiefly wheat, and so forth. Cattle are

raised in the ranching States of the West, packed at the great meat-packing centres, Chicago and Kansas City, and shipped to every city and village in the nation. In the same way clothes are no longer made at home; they are made in New York and other large cities for the whole country. Wonderful machines have been invented for spinning and weaving and every other manufacturing process, and to operate them great factories have been built. Each factory makes one sort of thing, shoes, hats, ploughs, automobiles, etc., and what it produces is shipped everywhere. To deliver all these products railways were invented and developed as we know them to-day, crossing and crisscrossing the entire country. The freight charge is an important item in the price of everything we buy.

Just think when you sit down for dinner how many States are serving you. The wheat for your bread was grown in North Dakota, let us say, and milled in Minnesota. The steer that is now roast beef grazed in Texas and was killed and packed in Chicago. The apples came from Oregon, the oranges from Florida. The sugar-cane was grown in Louisiana and refined into sugar in New York. The salt was manufactured in Kansas. The coal that cooked the meal is from Pennsylvania. The perishables, the milk, fresh eggs, and fresh vegetables, came from your own or a near-by State. A dozen States contribute to the simplest meal.

Take your knife and fork. If they are silver-plated, the silver was mined in Nevada, perhaps, the iron underneath was mined in Michigan, shipped to Pittsburgh

as ore and there smelted. The knife and fork were finally made in Connecticut.

The leather hide for your shoes very likely came off a Texan steer, killed at Chicago. The shoes were manufactured in Massachusetts.

All this long-distance trade increases the work of the national government. When a farmer grows all his own food he knows that it is pure and healthful. Or if he buys it from a neighbor that he knows and can trust he can be sure. But if he has to buy meat packed in Chicago or Kansas City by a stranger, he cannot possibly tell. So the government, which is to say, all of us clubbed together, sends an inspector to do this for us. If it is milk from his own State, his State government can inspect the dairies to see that the cows are healthy. But no State can act outside its own borders and most foods, as we saw, come from other States; so there is a big job here which the government at Washington alone can do.

Our vast and elaborate means of communication, the post-office, the railroads, the telephone, and telegraph, also raise national problems which only the national government can handle. The government has always run the post-office, as we know. It fixed the railroad rates for a number of years, as we shall see, and began to operate the railroads during the Great War. As to whether the government can run efficiently such a complex and difficult business as our railroads there is grave debate. But there is general agreement that our railroads must be fully controlled and regulated by the national government.

America has become one large family, everybody working for everybody else, and dependent on everybody else. No one can prosper alone. What happens in one State affects the whole country. Every section and every kind of worker must be prosperous and contented, or the whole country suffers.

We must be cautious in increasing the activities of our national government, for that way lies danger of interference with our liberties. We must keep our State governments strong and use them as far as we can. But when changed conditions call for new national regulation or work we must not hesitate to give our government at Washington the necessary power.

Money.—A uniform system of money or currency is an essential basis of buying and selling and commerce in a modern nation. Therefore the States are forbidden by the Constitution to coin money (Art. I, Sec. 10, Par. 1) and the national government has the sole power (Art. I, Sec. 8, Par. 5). Before 1789 the States had flooded the country with paper money that in some instances had become worthless.

Our coins are minted at mints located at Philadelphia, San Francisco, New Orleans, and Denver. The coins now issued are: gold coins, double eagle, eagle, half-eagle, and quarter-eagle (no one-dollar gold pieces have been coined since 1890); silver coins, dollar, half-dollar, quarter-dollar, dime; nickel, five cents; copper, one cent. The gold and silver coins contain an alloy of copper and nickel to make them hard enough to withstand wear. The metal is first rolled out into strips, round pieces called "blanks" are next cut out,

these are carefully weighed, and the "blanks" that are of correct weight are then stamped with the design and the edge milled in a press.

The government has also issued a vast amount of paper money. It is all exchangeable or redeemable in coin. It is of seven kinds:

Gold and Silver Certificates.—A dollar of gold or silver coin is on deposit in the United States Treasury for each dollar of these certificates. These two forms of currency make almost half of the entire stock of money in circulation.

Greenbacks.—These were notes of the government, promises to pay without interest, issued during the Civil War when the government was hard pressed for funds. Because they were not then exchangeable for gold or silver, and because the credit of the government was then under a great strain, they depreciated greatly in value. In 1879 the government began to redeem them in coin, and since then they have been worth their full value. They are reissued as redeemed.

Sherman Treasury Notes.—These are Treasury notes like the greenbacks, but issued under an act passed in 1890 and redeemable in coin. They are cancelled as redeemed and only a small quantity are now outstanding.

National Bank Notes.—These are notes issued by those banks throughout the country which are organized under a national law and supervised by the national government, and are called national banks. Next to gold and silver certificates they form the largest body of paper money in circulation.

Federal Reserve Notes and Bank-Notes.—These were provided for in 1913 under a new central control of the nation's banking facilities through the Federal Reserve Board.

The amount and kinds of money in circulation in the United States on December 31, 1916, were as follows:

MEDIUM	AMOUNT
Gold coin (including bullion in the Treasury).....	\$679,702,890
Silver dollars.....	72,330,864
Lesser silver coins.....	190,171,320
Gold certificates.....	1,660,030,029
Silver certificates.....	476,795,613
U. S. notes (greenbacks).....	341,271,554
Treasury notes of 1890.....	2,035,188
National Bank notes.....	708,817,446
Federal Reserve notes.....	298,013,235
Federal Reserve bank-notes.....	11,764,495
Total.....	\$4,440,932,634
Population of continental United States estimated at	103,287,000
Circulation per capita.....	\$43.00

The Post-Office.—Let us next take up the oldest of the business undertakings of the government. There were 75 post-offices in 1789 in the whole country, and it cost 25 cents to send a letter more than 450 miles. There are now over 60,000 post-offices and for years you could send a letter from Portland, Maine, to Manila in the Philippines, over 10,000 miles, for 2 cents. This rate was raised to 3 cents during the Great War.

Our post-office system is one of the largest businesses in the world, but it is not run as other businesses are, to make a profit. It is run to educate and inform and unify the nation. That is why the rates are so low,

that is why letter rates are equal wherever the Stars and Stripes are flown. It costs the government very little to deliver a newspaper to a man a few blocks away in a city. It costs the government a good deal, far more than it gets, to deliver that same newspaper to a ranch on an R. F. D. route a thousand miles away in Wyoming. Yet it charges only a fraction of the larger cost of the larger haul. That is because both men are Americans, and both must be informed of public events and public opinion, in order to be good citizens. The success of government by the people rests upon the mails quite as much as upon the public schools.

The post-office service has grown steadily, and now includes these five things:

1. It delivers mail from door to door in cities and larger villages, and by rural free delivery it carries mail over miles and miles of country roads to farmers remote from villages.

2. It registers letters so as to make their safe delivery more certain.

3. It sends money by postal orders.

4. Since 1911 it has run the Postal Savings Bank, accepting deposits and paying a low rate of interest to depositors.

5. Since 1913 it has been carrying parcels by parcel-post, doing work formerly done by the express companies.

Railway Rates.—A large slice of what we pay for everything we buy goes to the railroad that carried it from State to State, and finally to the place where we bought it. Think of that dinner-table again. The

orange from Florida, the wheat from Minnesota, the roast beef from Texas, all paid a railway charge which the grocer and butcher had to add into the price they charged you. Therefore, it is very important that railway rates should be fair, and be as low as possible without cheating the railroads.

Congress has no control over commerce on railroads wholly within one State. As we have seen, the Constitution gives Congress entire control of interstate commerce, that is, commerce between States. (Art. I, Sec. 8.) There were nothing but stage-coaches when the Constitution was written, but the makers had the foresight to use such general and far-reaching terms that it has provided for every development. Through its control of "commerce," Congress has provided for the fixing of fair and reasonable rates on all interstate traffic, freight and passengers alike. This has been done through the Interstate Commerce Commission. This is one of the most important services that the national government has undertaken. It is another case in which the government steps in and sees that there is fair play for all, railroad, farmer, manufacturer, and consumer alike.

Panama Canal.—The national government severed the American continent at Panama for the convenience of the world's commerce, and also to give a swift passage from coast to coast for our war-ships, and thus make the defense of our nation easier. A strip of land ten miles wide, running across the isthmus, was bought from the republic of Panama in 1904. The canal was built by the War Department and was completed in 1915. The

work was the most extraordinary engineering feat in the history of the world.

The Nation's Health.—If you will look at some meat the next time you are in your butcher's shop you will see that it is stamped "Inspected." That mark was put upon it at the packer's, in Chicago, let us say, by a United States inspector. This is one of the most valuable services the government does for us. These inspectors watch every piece of meat that is packed, they condemn every piece that is diseased or unfit, and pass only the sound, wholesome meat.

This is done under the pure food and drug law passed in 1906. It applies, of course, only to interstate commerce. Under this law drugs are required to be pure, and foods must be pure and wholesome and free from poisonous and injurious substances. Labels on foods and drugs must tell the truth. Inspectors watch factories the country over, destroy food that is adulterated and have fines imposed upon manufacturers who violate the law.

This important work that means so much to the health of all of us is under the general charge of the Secretary of Agriculture.

The Farmer.—The national government has done much to aid and encourage the farmer. With each new Territory added to the Union, vast, unsettled public lands have come into the ownership of the government. These have been largely given to actual settlers under the Homestead Act of 1862, which provided that any person could secure 160 acres by settling on it and cultivating it for five years. In this way we have become



From a photograph by the U. S. Reclamation Service

IRRIGABLE LAND IN WASHINGTON STATE BEFORE RECLAMATION



From a photograph by the U. S. Reclamation Service

APPLE ORCHARD, WASHINGTON STATE; THE RESULT OF RECLAMATION



a nation of landowners. (As you will recall, these public lands are in charge of the Department of the Interior.)

The best of this land has now been given out and the government has begun a series of great irrigation systems to reclaim tracts of desert and semiarid lands. Huge dams have been built and water stored in them to be distributed by canals and ditches over the dry sections. These lands are sold in small tracts to actual settlers.

Up to 1916 the United States Reclamation Service had dug 9,805 miles of canals, 1,139 miles of ditches, and 91 tunnels. Enough reservoir capacity had been constructed to cover the States of New Jersey and Delaware with water 16 inches deep. Projects completed and begun will serve over 3,000,000 acres of irrigable land.

Among the famous dams constructed are the Arrow-rock Dam for the storage of the water of the Boise River in southern Idaho, 348.6 feet in height and 1,100 in length, the highest dam in the world, and the Roosevelt Dam, 280 feet high and 1,020 feet long on the Salt River near Phoenix, Arizona.

The Department of Agriculture studies the farmer's problems, the breeding, feeding, and diseases of animals, the improving of crops by new varieties of seeds, the soils in the different parts of the country, with the crops best suited to them, the insects and diseases which attack plants, trees, and grains; and distributes bulletins telling what it discovered. It also conducts the Weather Bureau, which warns every one, farmers included, of cold waves, frosts, and storms.

Conservation.—One-quarter of the United States is still covered with forests, but it is estimated that if we go on cutting as wastefully as we have and make no provision for reforestation or other care our forests will be entirely cut down in fifty years. This shows how recklessly we have been using our natural resources, and why our new national conservation policy is so important. Under it more than one-third of our forest acreage has been placed in the forest reserves of the government in charge of the Forest Service of the Department of Agriculture. Forest rangers patrol these areas, prevent cutting except according to the rules of careful forestry, extinguish fires, and guard against them by building firebreaks along the crests of ranges, and direct reforestation. The whole country benefits by this foresight and watchful care.

The principles of conservation include also the development of our vast water-power, so as to avoid monopoly and furnish power to as many citizens as possible.

Labor.—The Department of Labor studies the labor problems and labor laws of the several States and of the world, and publishes reports upon them.

The regulation of labor in factories so as to protect workers from injury and disease rests chiefly with the State governments, since the national power of regulation is restricted to interstate commerce. National laws have been passed limiting the hours of trainmen and telegraphers employed in interstate business, and a workman's compensation law applying to railroads engaged in interstate commerce has also been enacted.



ARROWROCK DAM, THE HIGHEST IN THE WORLD, NEAR BOISE, IDAHO



This law gives every such workman, if injured while at work, a certain fixed sum, graded according to the extent of the injury; or if he is killed a fixed sum must be paid his family. The national government has also attempted to prevent child labor on goods entering interstate commerce.

The Protective Tariff.—One of the great political issues throughout the history of the nation has been “protection.” A small tariff (a customs duty) upon goods from foreign countries operates merely as a tax to produce revenue. Protection means imposing a tariff so large that foreign goods cannot be profitably imported, thus protecting American industries from foreign competition. The Republican party has argued that only thus could manufacturing be developed and maintained and labor paid its present wages, since wages are higher in America than elsewhere, and it is therefore not possible to produce goods as cheaply here as elsewhere. It has contended that protection benefited laborer and manufacturer alike. The Democratic party has argued that the country would be better off if it could buy foreign-made goods cheaply and let only such manufacturing develop as would develop naturally. The Democratic party has therefore stood for free trade (that is, no tariff) or a tariff for revenue only.

The decision of this question is one of the many political issues that you will have to vote upon and help decide. Whatever its merits, however, whichever side is right, the country long had a highly protective tariff and still has a protective tariff. The result has been to stimulate manufacturing tremendously and the

protective tariff must be classed as one of the many means our national government has used to develop the nation.

The Control of Trusts.—One of the most serious problems in preserving fair play in American life has been raised by the growth of huge businesses called trusts or combinations. The old theory of our business life was that every bright and energetic young man could start out for himself as an independent manufacturer or dealer. Competition among these small concerns both gave free play for ability to show itself and also kept prices down for the public that bought. In many lines this condition still exists. But in some, meat packing, for instance, the small concerns have all been merged into a few and these large corporations control the field. These conditions shut out the small beginner and permit an unfair raising of prices since competition is largely ended. Such single control of any one line is called a monopoly.

To secure a return of fair play, both for the small business man and for the public, the nation has passed a number of laws, the chief being the Sherman Anti-trust Law of 1890. Under this law great trusts, like the Standard Oil and the tobacco companies, were split up by the courts into their original small concerns. In 1914 this was supplemented by the Clayton Act, defining what "unfair trade methods" are and creating a Federal Trade Commission to enforce the law.

The problem is a very difficult one, and there has been much disagreement as to what remedy should be used. There is no question that combinations can

reduce costs, since they buy and manufacture and sell in larger quantities than the small manufacturer. This saving is of value to us all—provided we get the benefit of it in lower prices. Therefore some argue that we should not compel the combinations to dissolve, but should regulate prices. Others believe that trusts should be split up and competition fostered by means of the laws which now prevent “unfair trade practices,” such as selling goods far below cost to drive out a competitor, and obtaining “rebates” from railroads, that is, secret agreements for cheaper rates.

The trust problem is the problem of fair play in business for the manufacturer, for the laborer, for the public. It has been solved only in part.

The States have also passed many laws in an effort to end monopoly or prevent its evils, but with little success since their laws cannot touch interstate commerce.

QUESTIONS ON THE TEXT

SECTION 1

1. Does the local or national government come closer to our daily life?
2. What are the greatest services that the national government does for us?
3. Why must the national government protect us from foreign enemies?
4. What nation has been conquered again and again?
5. How many wars has America fought?
6. What was the longest period between wars and what was the average interval?
7. Of what value is it to a citizen travelling abroad to have a strong and courageous government at home?

8. What great steps have been taken toward preserving the peace of the world?
9. When does the President send troops into a State to preserve order?

SECTION 2

10. How does America of to-day differ from America of 1789?
11. Where do our foods now come from?
12. How does this change increase the responsibilities of the national government?
13. Why are the States not allowed to coin money?
14. What coins are now minted?
15. What kinds of paper money are there in circulation?
16. What is the per capita circulation of money?
17. Why is the post-office not run for profit?
18. What five services does the post-office offer?
19. Under what clause of the Constitution does Congress have power to regulate railroad rates?
20. Why did the nation build the Panama Canal?
21. What does the pure food and drug law provide?
22. What has the national government done for the farmer through grants of land and what is it doing now?
23. What does the Department of Agriculture do for the farmer?
24. What does conservation mean? What does the government do to preserve our forests?
25. What does the Department of Labor do for labor?
26. Why cannot it do more?
27. What is a protective tariff?
28. What is the Republican defense of it?
29. What is the Democratic case against it?
30. How has it affected the nation?
31. What is a trust?
32. How can it interfere with fair play in business?
33. What is a monopoly?
34. What laws has the nation passed to cure the evils of the trusts?
35. What trusts has it dissolved?

36. Are there any economies from trusts?
37. Is the problem solved?

QUESTIONS FOR DISCUSSION

1. What has the national government done for you to-day?
2. Has America ever been invaded?
3. Has America ever been obliged to put down a rebellion?
4. How many countries can you name that have been invaded by a foreign enemy?
5. Are foods and drugs marked in any way to show that they have been inspected by the national government?
6. Is your milk inspected by any one?
7. How many kinds of coins and paper money have you seen?
8. Have you ever seen the Interstate Commerce Commission's schedule of railway rates? It is required to be posted in every railroad station.

CHAPTER XIV

THE GOVERNMENT OF A STATE

1. THE STATE

State Governments.—We now come to the governments of the States. As you will recall, each State is left free by the Constitution to govern itself as it sees fit in its local concerns. That is our theory of home rule. It possesses all powers not delegated to the national government and not denied to it by the Constitution. (Amendment X.) Therefore it is impossible to describe any one system of State government that will hold true of all forty-eight States. As a matter of fact, no two are exactly alike. What follows is only a rough sketch which must be filled in and perhaps altered a little to apply to your own State.

In general outline the State governments are very much like the national government. The seat of the State government is the State capital. There are three branches exactly as in the government at Washington.

The State Executive.—The executive (corresponding to the President) is the governor, elected directly by the people of the State. His term is usually two or four years. His salary ranges from \$2,500 in Nebraska and Vermont to \$12,000 in Illinois. The lieutenant-governor corresponds to the Vice-President.

One important difference to be noted is that some of the governor's chief assistants are always elected along

with him by the people and not appointed by him. A treasurer and a comptroller (who handle the funds of the State), a secretary of state and an attorney-general are usually among these. (Do not confuse this secretary of state with the national secretary of state, who has charge of our foreign affairs. The State, as we have seen, has no foreign affairs, and its secretary is simply the keeper of the State's records and election returns.) A governor thus has no body of chosen advisers exactly corresponding to the President's Cabinet, and he cannot select or control his chief agents.

This feature of our State governments has been much criticised, for it divides responsibility and prevents unified handling of the State's affairs. It also puts an undue burden on the voter, who often does not know anything about the minor candidates. The "short ballot" is the name given to the plan of cutting down the number of elective offices. We have a "short ballot" in the national election now, for we vote only for President, Vice-President, senator, and representative. The "short-ballot" would apply the same principle to State, county, township, city, and village.

Appointments.—The governor has many appointments to make. Chief among these are a superintendent of education,* who has general supervision of the public schools, a superintendent of prisons, and a State engineer, who has care of the State highways.

Many States have created numerous boards or commissions in recent years to handle various matters, all appointed by the governor. There are boards of agri-

* In several States the superintendent of education is now elected by the people.

culture, food, and dairies, live stock, fish, and mining, which collect and diffuse information to promote these interests. There are boards of health, bureaus of labor and statistics, geological commissions, and forestry boards, which collect facts, conduct scientific research and (in the case of the State board of health) execute certain laws. There are supervising boards which regulate railroads, insurance companies, banks, etc. There are boards of examiners for those who wish to become dentists, pharmacists, barbers, etc. There are boards which have supervision of the prisons, hospitals, asylums, etc. This commission system has been much criticised for the diffusion of responsibility which it produces.

The State civil service has passed through the same stages as the national service, and many States have passed civil-service reform laws to reduce the spoils system of appointment, just as the national government has.

Commander-in-Chief.—The governor is commander-in-chief of the military forces of the State, that is, the State militia composed of volunteers subject to the call of the governor. The department head of the State militia is the adjutant-general, appointed by the governor, who also has a military staff to accompany him at public ceremonies. In time of peace, the State militia are called out by the governor to suppress riots and mobs, and generally to preserve order when the police are unable to maintain it. In time of war the State militia is taken over by the national government, as it was during the Great War.

Pardons.—The governor has a pardoning power like the President's, but it is usually restricted. In many States a board of pardons is provided which either hears pleas for pardon and makes recommendations to the governor, or passes finally on all pardons, and must approve before they take effect. Included in the right of pardon are the power to grant a reprieve (that is, a stay of the execution of a sentence, the death penalty, for instance) pending investigation or some legal step, and the power to commute a sentence, that is, change it to a lesser sentence. The President's pardoning power includes these same features, but it is not as important, since the control of most crimes rests with the States.

Legislative Powers.—These are like the legislative powers of the President. He can call the legislature in special session in an emergency, he sends messages to the legislature, he can veto bills (in every State except North Carolina). The legislature can pass a bill over his veto by a two-thirds vote in some States, a three-fifths vote in others, or a bare majority in a few others.

The State Legislature.—The legislature has two houses contrasting in size and length of term very much as do the House and Senate at Washington, and varying greatly in size. The larger body is called the House of Representatives, Assembly, or House of Delegates. The smaller body is called the Senate. Regular sessions are held every two years in most States; in Arizona, Massachusetts, New York, New Jersey, Rhode Island, Georgia, and South Carolina every year; and in Alabama once in every four years. State legislators

are elected by districts, and for this purpose each State is divided into two sets of districts, larger ones for senators, smaller ones for representatives. Districts are usually arranged on the basis of population, so that each senator represents about the same number of inhabitants and each representative represents about the same number. But sometimes each senator represents a county, and in Connecticut each member of the lower house represents a "town" (see Section 2 of this chapter for a description of this peculiar New England unit), a most unjust system for the "towns" containing large cities. The salaries of State legislators are small, ranging from \$3 a day in Kansas and Oregon, or \$120 a year in South Carolina, up to \$1,500 a year in New York. The houses are organized and bills are introduced and passed very much as at Washington.

The State Constitution and Courts.—There is a State constitution exactly as there is a national Constitution; and there are State courts (including a supreme court sitting at the capital) to interpret the State laws and the State constitution. The State constitution contains a Bill of Rights protecting the freedom of the people, their religious liberty, their right of free speech, exactly as does the national Constitution. Your State constitution is the highest law of the State, just as the national Constitution is the highest law of the nation. It is a most important protection of the people's rights, for it restrains the State legislature from interfering with your freedom, just as the national Constitution restrains Congress.

The national Constitution is, of course, binding on the State legislature, just as it is binding on everybody

else. But by a curious omission it does not protect religious liberty or the right of free speech or personal liberty against State laws. This is not a serious matter since all the State constitutions fully protect these rights and always have protected them. It was because the State constitutions already contained these Bills of Rights in 1787 that the national Constitution omitted to cover this point.

The powers of each State are very wide, as we have seen (and shall examine in detail in the next chapter). But the powers of State legislatures have been much limited by means of detailed provisions in the State constitutions. That is to say, the people of the individual States have not trusted their legislatures with the same freedom that the people of the whole country have trusted Congress. There is usually a debt limit beyond which the State legislature cannot go, and limits to taxation are often fixed. In some States the legislature is limited by constitutional restrictions upon almost every subject. One result of this condition is that our State constitutions are very long and confused by comparison with our national Constitution. This tendency to put matters in State constitutions which might better be left to the judgment of State legislatures has been much criticised.

Amendments.—State constitutions require frequent amendment, owing to the large amount of detailed legislation in them. They can be amended in two ways, as a rule: 1. By a constitutional convention called by the legislature, in which case an entirely new constitution may be drafted. Whatever the convention adopts must be submitted to the voters and takes effect only

if ratified by them. 2. The State legislature itself can propose amendments. In some States a two-thirds vote is required. In others the amendment must be passed by a legislature in two different years. In all States the proposed amendment must be submitted to the voters exactly as after a constitutional convention. In the State of Oregon a third method is permitted: A certain small percentage of the voters can petition for an amendment, in which case it is submitted to popular vote without coming before either convention or legislature. This use of the "initiative," as it is called, will be discussed again in connection with elections in Chapter XVII, Section 6.

The State Courts.—These are necessarily much more numerous and complex than the federal courts, for they handle many more cases since the State laws control most of the common affairs of life. The titles and organizations vary in the different States, the general plan is as follows:

1. Justice of the peace. Elected by the town. (In cities, police magistrates try the same cases.)
2. County judge. Elected by the county.
3. Superior, district, or circuit court. Elected by districts (each usually including several counties) in most States, but appointed by the governor in some States and elected by the State legislature in others.
4. Supreme court or court of appeals. Elected by the people of the State in most States, but appointed by the governor in some States and elected by the State legislature in others.

The justice of the peace tries small crimes and civil suits for small sums, up to \$50 or \$100 as a rule.

The county judge tries cases of more importance, civil suits up to a limit usually of a few thousand dollars, and almost all criminal trials. He also has charge of the important matters of wills (by which property is left at death) and the guardianship of children whose parents have died. For these reasons he is sometimes called the probate court (for the "proving" of wills) or judge of the orphan's court. Sometimes there is a separate court for these latter purposes. "Surrogate" is another name for the judge having charge of those matters relating to the property of the dead.

The trial of all other cases, civil and criminal, comes before the superior, district, or circuit court as it is variously called.

The supreme court or court of appeals hears only appeals from the lower courts. It does not try cases, it only settles doubtful questions of law that have arisen in trials. It sits at the State capital and is a court of great importance and distinction. The only court above it is the Supreme Court of the United States. Appeals can be taken from a State supreme court to the national supreme court when, and only when, a question involving the national Constitution arises. In all other cases the decision of the State supreme court is final. It is, therefore, the final interpreter of the State laws and State constitution.

States Are Not Nations.—Each State is thus governed very much as if it were a little nation. But you already know why it is not really a nation at all. Its

power to govern itself is strictly limited to local affairs, to building roads and punishing murder, and so on, within its own borders. It cannot do the things that a real nation can do. It cannot make war, it cannot impose a tariff against a foreign country or between States, it cannot coin money, it cannot make a treaty with a foreign nation. (These restrictions upon the States are contained in Art. I, Sec. 10 of the Constitution.) It yielded up all these national rights in entering the Union—that is, in becoming part of one united nation.

Our 'Double Government.—This idea of double government, of forty-eight State governments all under one federal government, seems confusing at first. But it works without serious confusion, since each government has its own job assigned to it and must stick to that job. It is as simple as the case of the postman and the policeman discussed before. Both walk the same street and serve the same houses without any conflict; yet one takes his orders and is paid from Washington, the other from the city or village.

2. COUNTY AND TOWN

County and Town.—Each State subdivides itself into a number of small districts, and gives these districts a large measure of home rule. No two States handle this problem alike and, of course, a State can change the system of local government whenever it pleases. That is entirely within its own control. All States are divided into counties (except Louisiana, which has “parishes”). These counties are divided again into smaller districts

called by various names, but usually towns or townships. Also, in all States where a number of people live close together, that is, in a village or a city, they are permitted to govern themselves as a separate unit.

There are three main types of local government, the town system of New England, the county system of the South and the Far West, and the township system of the Middle West.

The Town System.—This grew up around the New England meeting-house or church. Once a year the voters go in person to a "town meeting," now held in a "town hall." Here they discuss the needs of the community, fix the tax rate, pass by-laws (that is to say, town laws, for "by" is an old English word meaning town), and elect town officers. These latter include a board of from three to nine selectmen who have general charge of the business of the town, a clerk (who keeps the town records), tax assessors, a treasurer, overseers of the poor, a school committee, constables (to keep the peace), and surveyors of highways (who keep roads in repair). There are many other minor officials. In the town of Middlefield (Mass.) there were recently 18 town officials to 82 voters. Two or three other town meetings are usually held in the course of a year, at which other town business is discussed and settled.

Do not misunderstand this use of the word town in New England. It does not mean a city or a village as it does elsewhere. A New England town usually includes a village; but it includes the surrounding farms as well, an area of perhaps four or five square miles, with an average of 3,000 inhabitants.

The town meeting exists chiefly in New England (though Illinois, Michigan, Wisconsin, and Minnesota use it). Elsewhere, voters elect their officers by ballot on Election Day, and never gather in a meeting. You can see that the New England system is best suited to a small and compact community.

In this system the town was the original unit, and has remained the important unit, and the county, appearing later, has much less to do than elsewhere. It is merely a group of towns with a county-seat, at which sit county judges (with a sheriff to carry out their judgments, make arrests, etc.), and county commissioners whose chief business is the care of highways.

The County System.—There are smaller divisions than the county in the Southern States, bearing various names, but they have little importance. Practically all the governing is done by the county officers. This system arose in the South, because the sparseness of the population made local self-government impracticable. But generally the county controls everything. It also prevails in Colorado, Wyoming, Montana, Idaho, Nevada, California, Oregon, and Washington. In some of these States local districts known as precincts or townships elect justices of the peace and other minor officers.

The government usually consists of a board of county commissioners, a treasurer, a superintendent of education, a superintendent of the poor, and an overseer of roads. There are also county judges, a county prosecutor or State's attorney, a sheriff and a coroner (who investigates mysterious deaths). The county-seat is an important spot, since there are the county court-house, the county jail, and all the county records.

The board of commissioners has much power in this system. It has entire charge of the business of the county, including the erection of county buildings, the levying of taxes, the making of appropriations, the building and repair of roads, and the care of the poor.

The sheriff is a highly important officer. Aided by his deputy sheriffs, he is responsible for the peace of the whole county, and he carries out the orders of the county court. If property is ordered sold to pay a judgment, the sheriff does it. If a murderer is sentenced to death, the sheriff hangs him. If need be to maintain order or hunt down a criminal, he can call to his aid every able-bodied man in the county, forming what is called a *posse comitatus*. All prisoners are in his custody and he usually has charge of the county jail.

The county clerk has charge of the records of the county. All deeds, etc., are recorded either with him or with a register of deeds.

In the South the schools are usually in charge of a county school board with full power to establish and run schools.

The Township System.—This is sometimes called the “mixed system,” since it combines features of both town and county systems. In most of these States the county appeared first, and the township came later as population grew more dense, and the township has never gained the importance of the New England town. It prevails in the Middle Atlantic States and the Middle West. In the West the township is a product of the original government survey which mapped out the land in regular plots six miles square, and called these “townships.” In these States the local township governments

usually developed around the schoolhouse, just as the New England town had developed around the church.

There are two general types, that of New York (in which the township rivals the county in importance) and that of Pennsylvania (in which the county is the all important unit). Since in the development of the country westward settlers followed lines of latitude, roughly speaking, most of the northerly States followed the example of New York, Michigan, Wisconsin, Nebraska, for example. On the other hand, the States to the south, Ohio, Indiana, Iowa, Missouri, and Kansas, followed the example of Pennsylvania. In Illinois a division took place, the southern part preferring the county plan of the South, the northern part the New York township system. The State constitution gives each county its choice; and under this provision 90 out of 102 counties have adopted the township system of the New York type.

In the New York type the town meeting is usually preserved, but is not largely attended. The county board is composed of supervisors, one elected by each township. In the Pennsylvania type there are no town meetings and the county board consists of commissioners elected by the whole county.

The county, wherever the township system prevails, always has its county judges, prosecuting attorney, sheriff, and coroner. It usually has also a county clerk (and, sometimes, a register of deeds), a treasurer, a superintendent or commissioner of schools (whose powers are supervisory), a superintendent of highways, and a superintendent of the poor (though the poor-houses are more apt to be run by the township).



A ROAD BEFORE IMPROVEMENT



THE SAME ROAD AFTER IMPROVEMENT

Under the township system the schools may be run by the school directors or trustees of the township. But more often each township is divided into several school districts, and each of these districts elects a board called by various names, school committee, school trustees, board of education, etc., which has full charge of the school, including the right to raise money by taxes, to hire teachers, and to build schoolhouses. This election sometimes takes place as part of the general township election and sometimes is held at an annual school meeting of parents and taxpayers, resembling a New England town meeting.

The township usually has the following officers: one, two, or three supervisors (who have charge of the roads, etc.), a clerk, tax assessors, a tax collector, overseers of the poor, school directors or trustees, justices of the peace (who try minor cases), and constables.

You see how varied the methods of local government are. Each State works out its own plan suited to its own conditions. The thickly settled State can turn local affairs over to small units, the sparsely settled State can organize itself through larger units. Every local condition of country, population, and character can be considered and met.

3. VILLAGE AND CITY

Village and City.—When people live close together all kinds of things must be done by the community which rural districts leave to the individual. Sidewalks must be paved, streets must be lit, sewers must be laid, water must be supplied in pipes from a distance (for in a congested district pumps and wells collect germs and

spread disease); the danger of a fire spreading is much greater, so there must be an efficient fire department; burglars and toughs prefer villages and cities, so there must be an efficient police; traffic must be regulated; contagious diseases very carefully watched to prevent their spread, and so on.

Now, the county or the town could, of course, handle all these matters for the village or the city. But that is not the American way. Since the village and the city have special problems, peculiar to them, the State gives them their own governments to handle their peculiar local problems. The grant of this right is called a charter. It organizes the village or city government just as a constitution does the State government.

Village and city are much alike, except that the city government is more complicated and has, of course, much more to do. In some parts of the United States villages are called boroughs or towns.

City Government.—A city elects a mayor and a city council, or board of aldermen, usually elected by wards. The aldermen are really a little legislature having power to pass what are called city ordinances, that is, local rules requiring householders to clear their sidewalks of snow, requiring houses to be built of fireproof materials, and so forth. The city council also raises money by taxes and directs how it shall be spent—for parks, streets, schools, etc. (In a few cities the city council consists of two houses as in a State legislature.)

The mayor of a great city like New York, Chicago, or San Francisco is a very important and powerful officer. He is the chief executive, corresponding to the President

and the governor. He usually appoints all the heads of departments, that is to say, commissioners having charge of these matters:

Police.

Fire.

Health.

Street Cleaning.

Parks.

Tenements.

Schools.

Streets, Water, Gas, and Electricity.

Taxes.

The mayor also has a veto power upon the acts of the board of aldermen. There is great variety in the city governments, but the general outline is usually as above.

The city has a number of important courts, in particular the police courts, which deal with drunkenness and other small crimes. In many cities children's courts have now been created to give special care to children arrested and accused of crime.

Commission Government.—More than three hundred cities have abandoned the foregoing system and are using "commission government." A small board, usually of five members, is elected, and the entire business of governing the city is turned over to it. The object is to unify control and responsibility. This system originated in Galveston, Texas, after the great flood of 1900. The commission acts as both executive and legislature.

A city manager is sometimes used under this plan.

He is an expert, to whom the commission turns over the executive work very much as if the city were a business undertaking. The commission keeps its legislative powers. In choosing a city manager the commission can search the country over for the best expert it can find. It is hoped to develop city managers as able as the heads of our great private corporations.

Where the commission system is used, it is customary to give the voters a direct voice in lawmaking by devices known as the initiative and referendum. These will be explained in detail in Chapter XVI, Section 6.

Village Government.—A village elects a president and a board of trustees or councilmen; also a collector of taxes and treasurer. These meet regularly and transact all the business of the village, including the fixing of tax rates and the passing of village ordinances. They are executive and legislature combined.

There is usually no village court, the local judge being the justice of the peace, who is chosen for a town or township.

The village board of trustees does not have charge of the local public schools, it should be noted. These are in charge of officers chosen by the school district or town or township as described before. (This is unlike the city, which does run its schools.)

QUESTIONS ON THE TEXT

SECTION 1

1. Does the State government resemble the national government in general outline?
2. Who is the executive of a State?
3. Are his chief assistants appointed or elected?
4. Name some of them.
5. What objection is there to this system and what change has been proposed?
6. Who commands the State militia and what is its use in peace and in war?
7. What pardoning power has the governor?
8. What is a reprieve?
9. What is a commutation of sentence?
10. What are the principal appointees of a governor?
11. What boards or commissions do States have?
12. What legislative power has the governor?
13. Describe a State legislature and tell how its members are elected.
14. How often do State legislatures meet and how do they do business?
15. Why are the State constitutions important to all of us?
16. Why have the State constitutions become lengthy and why do they require frequent amendment?
17. How are they amended?
18. Describe the courts of a State and explain how the highest court is the final interpreter of the State constitution.
19. Why are the States not nations?
20. What double government have we?

SECTION 2

21. How is a State divided?
22. Describe the town system of New England.
23. What are the chief officers under it?
24. What is a New England town?
25. What sort of community is this system suited to?

26. Describe the county system of the Southern and far Western States.
27. What are the chief officers under it?
28. What sort of community is it suited to?
29. Describe the township system in New York and in Pennsylvania.
30. What are the chief officers of a township?
31. What officers does the county have where the township system prevails?
32. How are schools run in New England? In the county system? In the township system?

SECTION 3

33. Why do villages and cities require special governments of their own?
34. What is a charter?
35. Who is the executive of a city?
36. What is its legislature, what sort of laws can it pass, and what other powers has it?
37. How many city commissioners can you name?
38. What peculiar courts has a city?
39. What is commission government of cities?
40. What officers has a village?
41. Who is the local judge for small cases in a village or town?
42. Does a city run its own schools?
43. Does a village?

QUESTIONS FOR DISCUSSION

SECTION 1

1. Where is your State capital?
2. Who is your governor?
3. What is his term and salary?
4. What other officers are elected?
5. What important appointments does the governor make?
6. Have you a State militia?
7. What State boards or commissions has your State?

8. What vote is required in the legislature to pass a bill over the governor's veto?
9. What are names of the two houses of your State legislature?
10. How many members in each, when elected, for what terms, and what are their salaries?
11. How often does your legislature sit?
12. Do you know how long your State constitution is and how often it is amended?
13. How can your State constitution be amended?
14. Give as many illustrations of our double government (like the policeman and postman) as you can.

SECTION 2

15. How many counties are there in your State?
16. What is the name of your county and where is the county seat?
17. Do you live in a town, a township, or some other subdivision of a county?
18. What is its name?
19. How many of these subdivisions are there in your county?
20. What are the county officers and do you know the names of any occupants of these offices?
21. What are the town or township officers and do you know the names of any occupants?

SECTION 3

22. Do you live in a village or a city?
23. If either, what are the officers and do you know any by name?
24. What appointments does the mayor make?
25. How is your city council elected?
26. What is your police precinct?
27. Where is its police station?
28. What school district is your school in?
29. Draw a map showing your home, your school, village or city, school district, town or township and county, with the county seat.

CHAPTER XV

WHAT THE STATE DOES FOR US

1. THROUGH STATE OFFICIALS

State Government Important.—American voters sometimes pay little interest to the election of their State officers, but they are really most important. They touch the daily life of every one of us, both directly and also through the fact that State laws create and control our local governments.

Voting.—Each State has full power to say which of its citizens shall vote—for national officers, President, and congressmen as well as local officers. This is part of the home-rule policy of our Constitution. The only restriction is that of the Fifteenth Amendment, passed to secure the vote for the negro, which declares that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

Laws of Person and Property.—It is the State that makes almost all of the laws affecting our persons and properties, of the utmost importance to every man, woman, and child. The law of marriage and divorce, who may marry and for what causes they may separate, is decided by each State. The State laws define all the common crimes—murder, robbery, etc.—and fix the sentence for each crime. The State builds and maintains the jails for these punishments. All the rights of

property, how land may be bought and sold, what contracts must be in writing, and so on, are for the State legislatures to decide. The forest, fish, and game laws, stating at what seasons wild animals can be taken or shot, are State laws (except in the national parks, of course). This produces some confusion, for the laws of no two States are alike. But it enables each State to pass the kind of laws best suited to its people and mode of life, and that is a great advantage.

Health.—The State government maintains our asylums for the insane, the deaf, dumb, and blind. (Most hospitals are not State institutions but are run by public-spirited citizens and supported largely by gifts.) Many States have pure food and drug laws like the national law already described.

Education.—The State has a commissioner of education who has general charge of the public schools. The general courses of study and examinations to be passed by each grade are often fixed by this State authority. The State university is supported by State funds, and there are usually State agricultural and engineering colleges and State normal colleges to train teachers. It is to our State and local governments that we look for our education.

Labor.—It is to the State that we must look for laws making our factories safe, for laws preventing children under fourteen from working, and similar laws. Inspectors travel about enforcing these laws, seeing that dangerous machinery is safeguarded, that crowded buildings have fire-escapes, that there is sufficient fresh air, and that dozens of other rules are complied with.

Workmen's compensation laws usually provide that a workman injured through his work must be paid by his employer a certain fixed sum, graded according to the amount of the injury; or if he is killed, a fixed sum paid to his family. Such laws thus parallel the national workmen's compensation act; but that benefits only workers on interstate railroads, whereas a State law can protect every worker injured within the State.

Much has been accomplished and much remains to be done. The national government has done what it could to better the conditions of labor, but the main burden of this important reform work must be done by the States as part of their local power of regulation. Children under fourteen are still employed in the cotton-fields of the South and worked long hours in canning factories. Many States are far behind the humane and enlightened view of the time, which is that child labor stunts growth and mental development and causes disease, and thus is both cruel to the child and a waste of precious health and life to the community. The age of fourteen is now generally accepted as the age limit for regular work.

Many States have also passed laws to prevent the overworking of women with long hours and to insure healthful labor conditions for them.

A number of States are now experimenting with minimum wage laws, designed to prevent the paying of less than a living wage.

State Highways.—All roads were formerly built by the town or county, but of late years many States have undertaken the building of important highways, forming

through routes. Automobiles have hastened this new development.

2. THROUGH THE CITY

The City.—The closer people live together, the more they must do in common, that is, through their government, in order that they may live safely and comfortably. Therefore a large city does a great many more things than a village, and a village more things than a town or township or county for its rural districts. There must be more rules and regulations in a city—traffic rules, for instance, which are quite unnecessary in the country. If we take up city life first, we can then compare it with village and rural life to see how they differ.

The Police Department.—Service in the police department is like service in the army. A policeman always goes armed, with a revolver and a night-stick. He wears a uniform. The chief differences are that he fights not an army but one criminal or a few criminals at a time, and that he fights usually alone. Every policeman risks his life in serving us.

The policeman is the enemy of every law-breaker and the friend of every honest person. The traffic policeman helps little children cross a crowded street. Mounted policemen stop runaway horses. Finding lost children and returning them to their homes is a frequent duty. Many policemen have rescued men, women, and children from burning buildings. All this help to us is as much part of their duty as their work of watching for criminals night and day and arresting them at whatever risk.

It is the duty of every citizen, man, boy, woman, and girl, to help a policeman whenever possible. That is the law, and it is common sense as well, for the policeman is our policeman, it is our laws that he is enforcing, our property that he is protecting, our lives that he may save. Boys and girls should know the policeman on their beat and help him. He is one of the best friends they have, and they may owe their life to him some day when their house catches afire or a runaway comes down the street.

Every police force includes a large squad of detectives in plain clothes (therefore often called plain-clothesmen). At police headquarters is maintained a Rogues' Gallery, which contains not only photographs of all criminals but also nowadays accurate measurements of the head and other parts of the body taken according to a scientific system invented by a Frenchman, Bertillon. By this an arrested criminal giving a wrong name can be identified at once, and his whole record produced against him.

The police department is run either by one man, called a chief of police, or by a board of police commissioners, in either case appointed by the mayor. His office is called police headquarters. The city is divided into precincts, each with a police station in charge of a police captain.

The Fire Department.—Our firemen fight a war that never ends. At any hour of the day or night they must be ready to come to our rescue. The risk to their lives is even greater than that of policemen. They are every-day heroes, quite as brave and daring as any soldiers.



From a photograph copyright by the Vitagraph Co.

A RESCUE IN THE PARK



PATROLMAN AND AMBULANCE SURGEON CARING FOR VICTIM OF AN ACCIDENT

The surgeon is binding up the victim's head while one patrolman is writing down an account of the accident and another is holding back the crowd



The growth of tall buildings has made fire-fighting in cities much more difficult than it was, but inventions have kept pace with the difficulties. Water-towers, extension ladders, and motor fire-engines are now familiar sights. If there are navigable waters about a city (as at New York), fireboats lend great aid.

Volunteer firemen once ran the fire-apparatus of the cities, as they do still of our villages. But they have now given way to trained firemen paid by the city.

Every boy and girl can (1) help to prevent fires, and (2) send in an alarm instantly if he or she discovers a fire.

Fire prevention is now taught to every one, old and young, in every large city. Refuse is cleaned up and carted away to prevent spontaneous combustion (that is, fire that starts itself in greasy rags and other inflammable substances). Every one is taught not to throw away lighted matches or lighted cigarettes or cigars. Every one is taught the very great care required in handling alcohol, kerosene, and gasoline. Gasoline is particularly dangerous, for it is a high explosive that lays its own train—in the inflammable fumes which it sends off.

Never try to put out a fire yourself until you have sent in an alarm. Every boy and girl ought to know where the nearest fire-box is and how to open it and pull down the hook. (Opening the door of the box does not send in the alarm.) If you have a telephone in the house, that is the quickest way. Simply take down the receiver and say to central: "I want to report a fire." Then tell exactly where it is, making sure that central repeats the street and number correctly. After

you have sent in the alarm you can try to put out the fire. Any number of fires have gained dangerous headway because people waited to send in an alarm until they had tried to put out the fire—and failed.

The fire department is run by a fire commissioner appointed by the mayor.

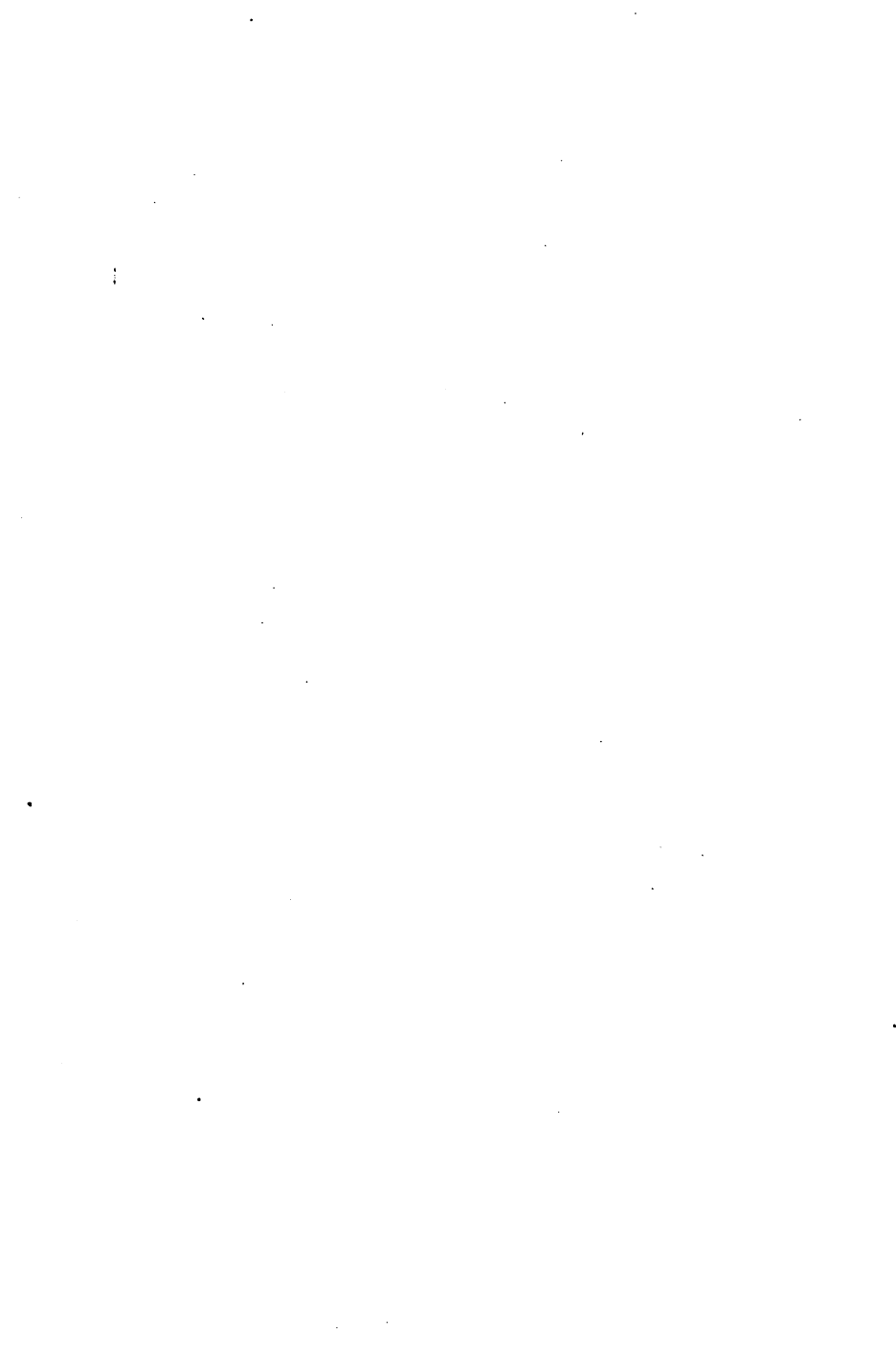
The Public Health.—The progressive city does any number of things to preserve and better the health of its citizens. The growth of medical science has taught us that the germs of disease threaten us in foul air, in impure food, in street dust, in dirt of every kind. Every person must keep clean to avoid sickness, and every home must be kept clean. Beyond this personal cleanliness no one can do much in a great city to make sure of protection against germs. The milk comes to us in a bottle from a dairyman we have never seen. No one can keep all the streets clean. So the community attends to these jobs for each of us.

The city's health department (in charge of a health commissioner appointed by the mayor) inspects food-supplies, working with the national and State inspectors to protect the consumer from injurious foods. Most important of all is the milk-supply, which usually comes from within the State and is altogether a city affair. Impure milk causes the death of many babies and spreads many diseases. Milk inspectors not only test the milk when it arrives, but inspect the dairies and see that none but healthy cows are in the herds, and that cleanly methods prevail.

The health department also prevents the spread of infectious diseases by quarantining every one who



FIREMAN RESCUING A CHILD



comes down with such a disease. Every doctor is required to report every infectious case at once. Thereupon the health-board officer posts notices of the quarantine and sees that it is enforced. It is the duty of every one to obey such a quarantine, for otherwise the most deadly diseases would spread throughout a city.

Many city health departments give much attention to public-school children. Inspectors look after their health, sometimes dental work is done free, and the rules of hygiene are explained and taught.

The street-cleaning commissioner not only makes city streets agreeable, but prevents disease as well. By sweeping streets, flushing them with water, and removing garbage and waste in wagons, covered so as to prevent dust from blowing about, the street-cleaning department can contribute much to the health of a city as well as to its sightliness. It is every one's duty to help in this work by not throwing paper or refuse in the street.

Fresh air is the greatest enemy of germs. That is why schoolrooms must be well ventilated and sleeping-rooms at home as well. The city does much to secure us fresh air through two departments. The park commissioner has charge of the parks, and in a properly laid-out city there are ample parks so located as to offer breathing spaces in every crowded section. The tenement-house commissioner enforces rules requiring that every tenement shall have at least a certain amount of air space and a certain number of windows. The city also sees that there are enough stairways and fire-escapes to save every one in case of fire. Factories are,

as we have seen, usually inspected and made safe and healthful by State inspectors. But city inspectors often do this work, too.

Recreation.—Closely akin to these health measures are the playgrounds for children, band music in the parks, public beaches for bathing or public swimming-pools, and other sources of recreation. Everything that keeps people out in the open aids their health and many cities expend large sums of money to enable its inhabitants to play out-of-doors. These matters are usually in charge of the park commissioner.

Education.—Every city runs its own schools, as we have seen, usually through a board of education appointed by the mayor. Every city spends vast sums on its schools, but considers that it is money well invested, for only well-educated boys and girls grow up to be valuable and successful citizens. This education is a precious gift that every American community makes to every child. Every level-headed boy and girl takes it and makes the most of it.

Many cities also own their public libraries, another important part of the education offered free to every citizen.

Streets.—The paving of streets and the up-keep of them is a very important part of a city's service. Well-paved streets do more than anything else to make a city pleasant to live in. A commissioner of public works usually has charge of these matters.

Water, Gas, Electricity, Street Railways.—Most cities own their water-works and many own their gas and electric plants. A very few run their street railways.

For all these services the city charges rates just like a private company. When it does not own these services, the rates charged are regulated by commissions. Services of this kind are called public utilities, which simply means things of use to the public generally. It is the theory nowadays that private owners of such services must submit to reasonable regulation by the government for the good of all. Whether a city shall own and run its street railways parallels the question explained before, whether the national government shall own and run the interstate railways of the whole country. There are strong arguments on both sides.

3. THROUGH THE VILLAGE

The Village.—The progressive village does almost all of the things that the city does, but in a simpler way and on a much smaller scale. There is usually a chief of police and a small police force. The fire department is usually a volunteer organization, but it is often very efficient, and many villages now have motor fire-engines. There is not so much for a health officer to do, but his control of infectious diseases is important in preventing epidemics. Schools in villages can be just as good as city schools.

4. IN RURAL DISTRICTS

Rural Districts.—The farmer looks to his town or township and county government for such policing as he gets. The town constables are the regular police officers, but in case of any serious crime or disturbance the sheriff and his deputy sheriffs step in. A few States

have a State police or State constabulary of mounted men, whose duty it is to patrol rural districts.

The roads (other than the State highways) are built and repaired by the supervisors of the town or township; or, in such a State as Virginia, by the county commissioners.

Every farm, however remote, is included in a school district, and every boy and girl is entitled to education at the school of his district.

The farmer must be his own fire department, and must supply himself with water from his own pump. He misses a great many of the services which the city dweller gets. On the other hand, he does not need them, for he is not exposed to the same danger from germs, from fire, from dirt. He is his own master in almost everything, and though he has to shift for himself, he can order his life as he wills.

QUESTIONS ON THE TEXT

SECTION 1

1. Why are the services of the State important to every one?
2. What government determines who shall vote?
3. How does the Fifteenth Amendment affect this power?
4. What government has the power to pass laws touching our persons and property?
5. Name as many of these subjects of legislation as you can.
6. What compensation is there for the confusion that results from having State laws different on these subjects?
7. What health measures does the State undertake?
8. What are the duties of the commissioner of education?
9. What educational institutions does the State operate?

10. What are factory laws and how are they enforced?
11. What are child labor laws and what is the theory behind them?
12. Describe a workmen's compensation law and explain the object of a minimum wage.
13. What kind of highways does the State build?

SECTION 2

14. Why must there be more rules in a city and why must there be more public services?
15. Name all the duties of a policeman that you can.
16. What are the Rogues' Gallery and the Bertillon System?
17. Who is the head of the police department?
18. What can we do to prevent fires?
19. What must we do the instant we discover a fire?
20. Do you know how to send in an alarm?
21. Describe the two chief branches of the health department's service.
22. How does the street-cleaning commissioner aid public health?
23. Why should we have abundant parks?
24. What do the tenement-house inspectors do?
25. What recreations do cities furnish?
26. How does a city run its schools?
27. Who cares for a city's streets?
28. What are public utilities?
29. What are the ones that cities usually own and run?
30. What ones do they seldom own or run?
31. What does a city do with respect to a public utility that it does not own or operate?

SECTION 3

32. How does village government differ from city government?

SECTION 4

33. To what government and what officers does a farmer look for police protection?
34. What officers have the care of rural roads.

QUESTIONS FOR DISCUSSION

SECTION 1

1. Are there any State institutions near your home?
2. Do you know where the State university and colleges are located?
3. How much control does your State commissioner of education exert over your school and your courses of study?
4. Have you ever seen a factory law posted in a factory and do you know any factory regulations?
5. What is the child-labor law of your State?
6. Has your State a workmen's compensation law?
7. Has your State passed any laws protecting working women?
8. Are there any State highways near your home?

SECTION 2

9. What is the name of the policeman usually near your home?
10. Where is the fire-alarm box nearest your home?
11. Was your house ever on fire?
12. Where is the nearest fire-engine house?
13. What is the danger of a bush or grass fire in the country?
14. Did a burglar ever enter your house?
15. How can you help keep the streets clean?
16. What parks are near your home?
17. What public utilities does your city or village own or run?
18. Are your local roads good or bad?
19. How much did your schoolhouse cost?

CHAPTER XVI

POLITICAL PARTIES AND ELECTIONS

1. A SACRED DUTY

The Ballot.—We come now to the most important duty of an American, the basis of all the fine structure we have studied. That is to vote, wisely and patriotically. A certain number of Americans always fail to turn up on Election Day. They are too lazy or too indifferent. They are cheating themselves out of their birthright, that should be their proudest possession; they are cheating their country, for they enjoy her protection and care, and they refuse to bear the chief responsibility of citizenship. There is no magic in the word democracy. Unless the citizens of a country give it their best wisdom and aid whenever needed, it will become corrupt and fail and perish.

2. PARTIES

The Reason for Parties.—You must understand political parties in order to understand elections. There is nothing about them in the Constitution. They have grown up gradually to satisfy a natural tendency in human nature. That is to unite in groups in support of certain ideas and certain leaders. Sometimes a great leader creates an idea and the party forms around him. Sometimes the idea is developed by a party, and the leader is merely chosen to carry the idea into effect. Whichever way it happens, most people instinctively

join such a group. We call those who prefer to remain out of groups independents. They are a small but important part of any community.

The Two Main Parties.—There have usually been two main parties in the United States. Under changing names they have lasted down to our present time. In the first years of the republic the two parties were the Federalist (the party of Hamilton and John Adams) and the Democratic-Republican, usually called simply Republican (the party of Jefferson). The former believed in a broad construction of the Constitution, giving the national government wide powers. The latter believed in a strict construction, and in holding the national government to the powers clearly set forth in the Constitution. The dispute was largely over the "elastic clause" referred to before. (Art. I, Sec. 8, Par. 18.)

In a very general way this distinction has lasted right through; only the names have become reversed. The original Republican party founded by Jefferson changed its name to Democratic about 1828, and has retained that name to this day. The Federalists lasted only a generation, being succeeded by the National Republicans of 1828, the Whigs from 1833 to 1854, and the Republicans of 1854 down to the present. New issues have arisen frequently. The present Republican party sprang up to oppose slavery and advocate a protective tariff. The Civil War ended slavery, and after that for many years the tariff was the chief issue. Of course many other issues have from time to time come to the front, and by the time of the Great War the issues had become much confused. But the original dispute over



INTERIOR OF A POLLING-PLACE

The men seated at the table on the left are clerks of the Board of Registry: those standing behind them are watchers. The ballot booths are in the background. On the table on the right are the ballot-boxes, one for the actual votes and the other for the stubs which carry the number of the ballots. The voter begins by registering at the forward end of the table. At the farther end he receives a ballot and passes into one of the booths, marks it and hands it to the clerk who drops it into the ballot-box.



the strength of the national government still persists in some degree to distinguish the two parties.

Third Parties.—Third parties have sprung up from time to time, as a new group appeared around a new idea or a new leader not acceptable to either of the old parties. (That was the way the new Republican party began in 1854.) Most of these parties die out after a few years. Of this type were the Populist party, a farmer's party formed in 1892, and the Progressive party, formed in 1912 to advocate new policies under the leadership of Theodore Roosevelt. The Socialist party is a third party which has slowly gained in strength and maintained its existence without electing many officials.

Independent Voting.—Every voter must keep his mind alive to these changes, study the new problems as they arise, and decide whether or not he wishes to join a new party and how it seems wisest to cast his vote. No country can stand still. It must go ahead or fall behind. No voter does his duty who sits back and votes with his party year in and year out, from habit and prejudice. Even if a man supports a party for its general principles, he must be independent enough to vote against a bad candidate that it nominates or a bad law that it advocates. This independent spirit has grown steadily. As you will see, our ballots are now arranged so as to recognize and assist it.

3. THE PRIMARY AND NOMINATIONS

Platform and Primary.—A party does two important things before every election. It makes a party platform, stating the principles for which it stands. It

nominates, that is, names candidates through an election of its own called a primary. These candidates of a party are called its "ticket." Now think how this affects the election which follows. When you are twenty-one and go to cast your first ballot, you can vote for anybody you please (as will be explained). But since the great mass of voters will vote for the party candidates, no one else stands a real chance of election and you will simply throw away your vote if you cast it for an outsider. So, really, the election has been narrowed down, long before it is held, to a choice between the party candidates who stand on the party platform.

Importance of the Primary.—You see, therefore, how important the primary is. Altogether too many Americans pay scant attention to the primaries, and then groan because they have such a poor choice on Election Day. The time to make the first choice is at this first election day, called the primary, which takes place months before.

How Candidates Are Chosen.—The machinery of nominating candidates is very elaborate and has been much criticised. Under the older system, at the primary the members of the party elected delegates to nominating conventions. These conventions named the candidates. In recent years "direct primaries" have been introduced at which the members of the party name their candidates directly at the primary.

The National Conventions.—The presidential candidates are nominated at a great national convention in which delegates from all the States sit. It takes place every

four years in the summer preceding the election, and is one of our most stirring political events. The national platform is drawn up and after much excitement and many speeches and often prolonged balloting, the candidate is named. (The candidate for Vice-President is also named but, unfortunately, with but little interest or attention from the delegates.)

In many States the principle of the "direct primary" has been applied to presidential candidates, the voters at the primary not only electing their delegates to the national convention, but instructing them for whom to vote.

4. THE CAMPAIGN

The Campaign.—A presidential campaign creates great excitement. Meetings are held all over the country, there are torchlight processions, and the candidates address great gatherings. Every voter has ample time to read and hear all the arguments, discuss them with his family and friends, and decide how he will vote on Election Day. The parties have national and State committees, which collect large sums to finance the campaigns and direct them.

These funds are now strictly regulated by the national government and by many States. Candidates can spend only up to a certain limit—candidates for the United States Senate only \$10,000, and candidates for the House of Representatives only \$5,000, for instance. Corporations are forbidden to contribute. Every contribution must be made public. This puts all candidates on an equality, whether there are rich interests

back of them or not. The amount of publicity is equalized, and the danger of money being used corruptly to buy votes is greatly lessened. These laws are called corrupt practices acts.

5. REGISTRATION AND ELECTION

Registration.—There is one more preliminary to voting, and that is registration. In all but a few States no citizen can vote unless he has previously gone before a Board of Registry and entered his name on the voting list of his election district with his address, age, and other details. This is to prevent fraud. Vicious political bosses used to win elections by hiring criminals to vote in several election districts. These were called “repeaters.” This trick is impossible when there is a registration list, for then either party can investigate and arrest any one guilty of fraudulent registration or at any rate prevent his voting on Election Day.

There are usually several registration days. It is obviously just as much the duty of every voter to register as to vote, for unless he does the former he cannot do the latter.

In country districts the registration list is usually carried over from one year to another, and it is not necessary to register unless you have moved into a new district.

Bribery.—Repeating is but one form of fraud at elections. There is always a criminal class in every community willing to sell its votes. This is called bribery. The political boss who bribes and the man who takes the bribe are equally guilty of one of the gravest crimes.

If convicted they are heavily sentenced. Buying or selling a vote is one of the most dishonorable of all crimes. It is an act of treachery to one's country which is entitled to every voter's honest judgment and it is the sale of a voter's freedom and manhood.

The Australian Ballot.—It is useless for a boss to give a bribe unless he can be sure that the vote paid for is delivered. For obviously a man debased enough to be bribed cannot be relied upon to vote as he promises. So long as voting was public the briber could be sure of his man. Public voting also made possible control of the weak by the powerful. A man might lack the courage to vote as he thought he should, through fear of losing his job. Therefore the secret ballot was invented. Originating in Australia it has spread throughout the United States and most democracies. It is an ingenious system by which a man's vote is entirely his own secret. It leaves no way by which any one else can know how he has voted. Even though a voter should wish to convince a boss that he has voted "right" he cannot do so under the Australian ballot.

Main Features.—There are three main features of the Australian ballot:

1. All ballots of all parties are printed at public expense and given out to the voters, one by one, at the polls.

2. The voter marks his ballot, thus indicating his vote, alone in a booth or small compartment.

3. The ballot is then folded so that no one can see how it is marked and dropped unopened in a ballot-box.

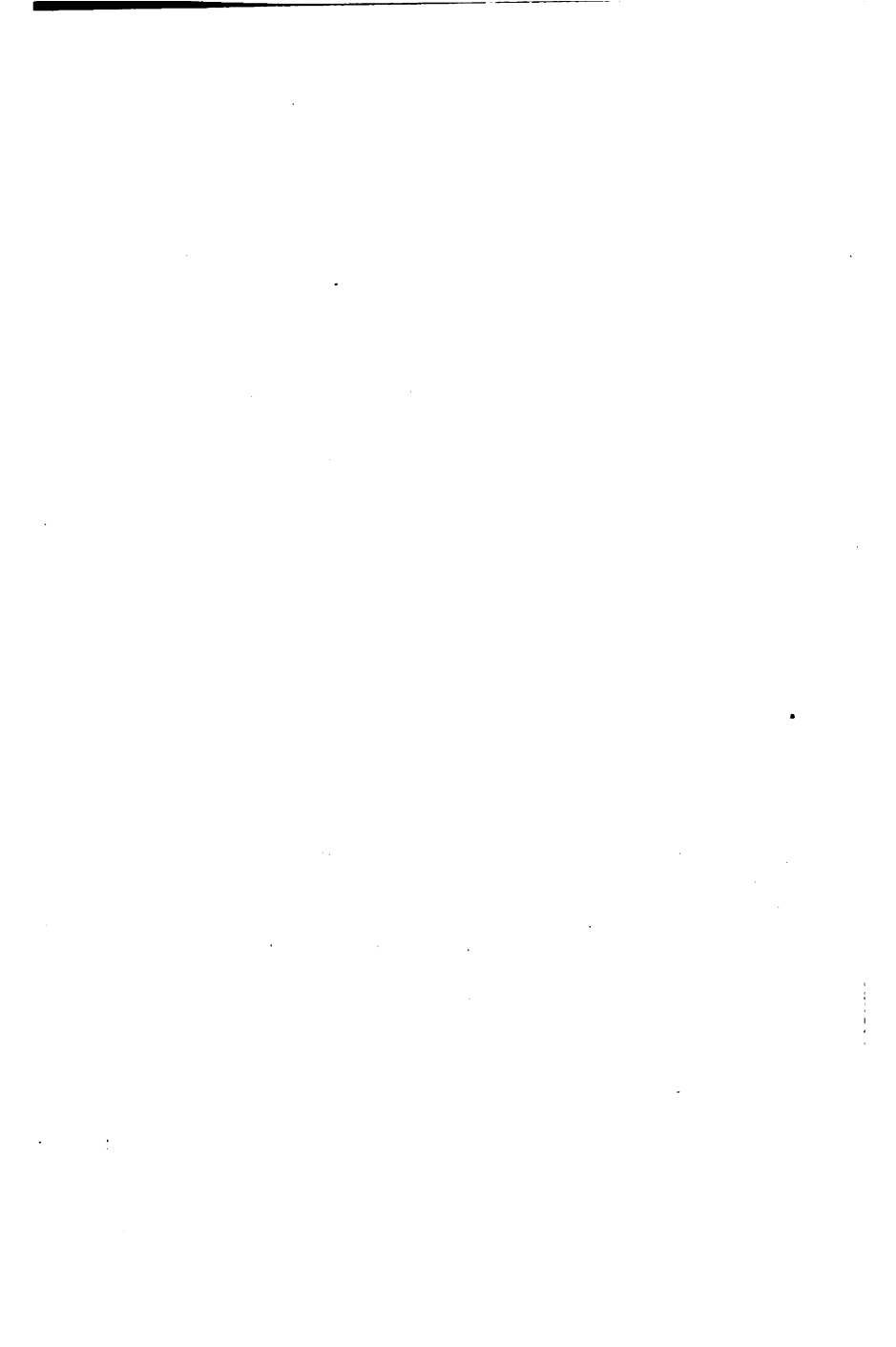
How It Works.—Let us suppose that you are twenty-one, that you have voted at your primary, that you have registered, and that having read and listened and discussed you have made up your mind for what candidates you wish to vote. On Election Day you go to the polling-place in your election district (usually the place of registration). The election officials (representing both parties) sit at a table with the list of registered voters before them. You give your name, it is checked off the list, and you receive the official printed ballot. You enter a booth, close the door, and unfold the ballot. On it are the names of all the candidates. There are various ways of arranging the names, as will be explained; but whatever the system you vote by marking a cross in a circle or square above a column of names or opposite the names. Or you can vote for some one not on the printed list, by writing his name in a blank space provided for that purpose. Having checked up your ballot to make sure you have voted as you wished, you fold it up, leave the booth, and see it dropped in the ballot-box.

As an added precaution a ballot is treated as void if marked other than as provided. The cross mark must be wholly within the allotted space, for instance. Thus a man who was bribed would forfeit his vote if he put some special mark on his ballot in an effort to prove to his boss that he had voted as agreed.

At the end of the day—the polls are usually open from about sunrise to sunset—the officials open the ballot-box and count the votes.

To prevent the “stuffing” of ballot-boxes with fraudu-

[illegible]



lent votes, ballots are now usually numbered serially on detachable stubs. This stub is torn off as the ballot is cast and dropped in a separate box. The number of ballots and the number of stubs must always be equal and a ready check on the number of ballots is thus afforded.

In addition to the election officials who give out the ballots, count them, and so on, each party having candidates on the ballots is allowed a certain number of "watchers" who have the right to watch the voting, to "challenge" the right of anyone to vote whom they have reason to suspect, and to watch the counting of the ballots.

Majority and Plurality.—These words are often used carelessly as if they meant the same thing. Majority means more than half of all votes cast. Plurality means only more than any other candidate. If only two candidates are voted for, you can see that the man who has a plurality must also have a majority. But if three are running for office, let us say A, B, and C, and A receives 4,000 votes, B 3,000, and C 2,000, no candidate has a majority (which would be 4,501 votes), but A has a plurality of 1,000 votes over B. The general rule in America is that only a plurality is needed to elect. In this case, therefore, A would be declared elected.

Voting Machines.—Ingenious machines have been invented, resembling adding-machines, which save all the labor of counting the ballots. The voter turns handles on the machine instead of marking crosses on a ballot. This he does in secret, and the principles of voting are quite as with the Australian ballot. These machines are in use in a number of States.

The Massachusetts Ballot.—There are many kinds of ballots in the various States. The two principal kinds are illustrated in this chapter. Both are New York ballots in a State election, but for different years, 1910 and 1918, and between those years a reform now becoming popular took place in that State. In the first ballot you will see that the candidates are arranged by tickets and the voter who wishes to vote a straight ticket has only to put one cross in the circle above his party column. This system favors the lazy, ignorant, party vote. The second ballot is of a type that originated in the State of Massachusetts. In it the names are arranged by offices, not by tickets. To vote it a voter must mark a cross opposite each candidate. This favors independent voting, for every voter has to look over the whole ballot, whether he wishes to or not.

You will note that both ballots use party symbols to indicate the party candidates. In Massachusetts the ballots used have no such symbols. (Each State has its own peculiarities in the form of its ballots.)

Who Can Vote.—As we saw under State powers and laws, each State has the right to say who shall vote, barring the one exception of the Fifteenth Amendment, designed to insure the negro his vote. In the early days of the republic there were many restrictions. Only men with property were allowed to vote. Gradually as education spread intelligence, the demand for the vote came from all classes, and by 1850 America had achieved manhood suffrage. To-day the requirements are few:

1. Citizenship. Only Americans, by birth or naturalization, can vote. (A few States allow aliens who

1 GOVERNOR (Vote for one).		JUSTICE OF THE CITY COURT—To fill vacancy expiring December 31, 1919 (Vote for one).	
	MARTIN H. GLYNN..... { Democratic Ind. League		JAMES A. ALLEN..... { Democratic Ind. League
	CHARLES S. WHITMAN..... { Republican		CHARLES H. GRIFFITHS..... { Republican American
	FREDERICK M. DAVENPORT..... { Progressive		MICHAEL SCHLAAP..... { Progressive
	GUSTAVE A. STREBEL..... { Socialist		LEON A. MALKIEL..... { Socialist
	WILLIAM SULZER..... { Prohibition American		THOMAS G. PATTEN..... { Democratic Ind. League
	JAMES T. HUNTER..... { Social Labor		GEORGE B. FRANCIS..... { Republican Progressive
			ERNEST RAMM..... { Socialist
			JOHN A. SHEDD..... { Prohibition
2 LIEUTENANT GOVERNOR (Vote for one).		SENATOR—Sixteenth Senate District (Vote for one).	
	THOMAS B. LOCKWOOD..... { Democratic		ROBERT F. WAGNER..... { Democratic Ind. League
	EDWARD SCHOENNECK..... { Republican Ind. League		LYLE EVANS MAHAN..... { Republican Progressive
	CHAUNCEY J. HAMLIN..... { Progressive		GEORGE STEINHARDT..... { Socialist
	STEPHEN J. MAHONEY..... { Socialist		HARRY G. HARRIS..... { Prohibition
	CHARLES E. WELCH..... { Prohibition		
	JEREMIAH D. CROWLEY..... { Social Labor		
3 SECRETARY OF STATE (Vote for one).		MEMBER OF ASSEMBLY—Twenty-second Assembly District (Vote for one).	
	MITCHELL MAY..... { Democratic Ind. League		MAURICE BLOCH..... { Democratic Ind. League
	FRANCIS M. HUGG..... { Republican		WILLIAM J. SEIFERT..... { Republican
	SYDNEY W. STERN..... { Progressive		BENJAMIN E. MOORE..... { Progressive
	FLORENCE CROSS KITCHELT..... { Socialist		EDWARD F. CASSIDY..... { Socialist
	JOHN R. CLEMENTS..... { Prohibition		FRANK BORTLIK..... { Prohibition
	EDMUND MOONELIS..... { Social Labor		

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have taken out their "first papers," that is, declared their intention of becoming citizens, to vote.)

2. Age. Voters must be twenty-one years old.

3. Sex. Voting was restricted to men for many years, but State after State has now admitted women to suffrage. Twenty-nine States had given women presidential suffrage by 1919, and an amendment to the national Constitution passed Congress in that year giving them the vote throughout the nation. When ratified by the States this will add "womanhood suffrage" to "manhood suffrage."

4. Residence. It is required that a person live within a State a certain period, varying from six months to two years in the different States, before voting. There are further restrictions within each State by which a voter must have resided within the county and the election district a certain length of time.

5. Education. Massachusetts requires a voter to be able to read a section of the State constitution and write his own name. A number of other States have similar tests, but the general rule permits the illiterate to vote.

6. Poll tax. A very few States require a small poll tax (that is, a head tax), one or two dollars, which must be paid before a man can vote.

Certain classes are disfranchised altogether, chiefly idiots, paupers, and criminals who have been convicted of a felony (that is, a serious crime). Aliens, of course, cannot vote, no matter how long they remain in the country, since they are not American citizens. (The few States allowing aliens who have taken out their first papers to vote make a small exception.)

Citizenship and Naturalization.—It must be understood that citizenship does not depend on voting. Boys and girls whose parents are Americans or who were born in this country of whatever parentage are just as much American citizens as any voter. So are American women whether permitted to vote or not. They are members of our nation; that is what citizenship means. As we learned in discussing the difference between civil and political rights, they are entitled to every protection and privilege save the one right of voting, which is denied them by the wisdom of the voters.

Every foreigner who intends to stay in the United States should become a citizen as soon as possible. Until he does so he is not entitled to the full rights of an American. This is just as important to his success and safety and happiness as that he learn to read and write English.

A foreigner must live here for five years before he can become naturalized, and two years before he applies for naturalization he must declare his intention to become a citizen. "Taking out first papers" this is called. Both the declaration of intention and the final admission must be made before a judge. When he is admitted he takes an oath to support the Constitution and he renounces allegiance to any foreign Power.

Children become citizens when their father is naturalized. But if they have been born in America they are citizens anyway. A wife becomes a citizen when her husband is naturalized. A woman can become naturalized by the same process as a man.

Election Dates.—The presidential election comes every

four years on the Tuesday after the first Monday in November. The State, county, and township elections usually come in off years, in November. So do most city elections. New England town elections and most village elections come in the spring. As the length of the terms of governor and other officers varies greatly with the different States, no general rule can be laid down. But it is the tendency nowadays to have local elections when there is no presidential election; for local elections are questions rather of personal uprightness and business ability than of the national issues which control in party politics, and it is wiser to hold local elections at a time when party politics is not uppermost in every voter's mind.

In the elections of village, city, and town, communities often forget party lines altogether and nominate a joint non-partisan ticket.

The school elections often come at a separate time, usually at the annual meeting of the parents and taxpayers. Politics should not have and usually does not have any place in these elections.

Some voters are too careless or indifferent to vote for lesser officers. This is not to do one's full duty, however. A good American should follow the elections closely, and vote at every one. As we have seen, the local elections and the State elections often affect his welfare even more closely than do the national elections. The school elections affect the welfare and entire future of his children.

6. DIRECT GOVERNMENT

Our Representative Government.—All the elections thus far described are to choose men to occupy the various offices of our government. These men represent us for the term of their office and make our laws, execute them, and interpret them for us and in our name. Under this system the people make the laws, but they do it indirectly through these representatives. That is why, as we saw before, our government is a republic and not a "pure democracy" like the New England town meeting.

Direct Lawmaking.—There has been a movement in a number of States in recent years to enable the people to make laws directly when they so desire. Obviously, all the voters of a State cannot gather in a meeting and discuss and vote. The processes used are called the initiative and the referendum. By the initiative a group of voters can draft a law, and on securing the signatures of a certain required number of voters to it can have the law submitted to the voters at the next election. The law is printed on the ballot and the voters vote "Yes" or "No" on it. If a majority vote "Yes" it becomes a law. In this operation the legislature has no voice whatever. A number of cities apply the initiative to city ordinances.

By the referendum, a group of voters who do not approve of a law passed by the legislature can force its submission to a sort of popular veto. They prepare a petition for a referendum and on securing the signatures of a certain required number of voters the law must be referred to the people at the next election. It is printed

on the ballot as in the case of the initiative and becomes a law or not, according as there are more votes for or against it.

The referendum is new as applied to laws, but it is a very old system of amending our State constitutions. After the amendments have been proposed as explained in Chapter XIV, they are printed on the ballot and voted upon exactly as above.

The Recall.—This is an additional device for giving the people more direct control over their elective officers. If a group does not approve of the course of a mayor or governor, for instance, and can obtain a required number of signatures of voters to a petition, the mayor or governor must submit to a new election forthwith and he loses the office if a majority then vote against him. The decisions of judges on constitutional points, etc., have also been submitted to the recall. The recall has not made as much headway as the initiative and referendum.

Not a "Pure Democracy."—Even with all these new devices, however, our government continues to be essentially representative in character. These processes are only supplemental to the work of the legislature, governors, and other officers. The advisability of these "direct" methods is one of the moot questions of the day.

QUESTIONS ON THE TEXT

SECTION 1

1. What is the basis of our government?
2. What are the two reasons why every American should vote?

SECTION 2

3. What causes parties to grow?
4. Do all Americans belong to parties?
5. What are the two main parties to-day?
6. What were the two main parties in the first years of the republic?
7. Are they related in any way?
8. What has been the lasting issue between these parties?
9. When did the present Republican party originate and for what cause?
10. What other parties can you name?
11. Why should a voter be independent?

SECTION 3

12. What is a platform?
13. What is done at a primary?
14. How does a primary limit the voter's choice on election day?
15. What is a "direct" primary?
16. What is the other system of making nominations?
17. How are presidential candidates named?

SECTION 4

18. Describe a presidential campaign.
19. What restrictions are there on election funds?
20. What is the object of these restrictions?

SECTION 5

21. What is registration?
22. What is its object?
23. What is a repeater?
24. Why is it important for a voter to register?
25. What is bribery and why is it a most dishonorable crime?
26. Are the briber and the man who is bribed equally guilty?
27. What is the object of the Australian ballot?
28. What are the three main features by which it obtains secrecy?
29. Describe the operation of voting.
30. Must you vote for the candidates of the parties or is it possible to vote for some one else?

31. What is the difference between a majority and a plurality?
32. What is a voting-machine?
33. Describe the Massachusetts ballot?
34. What other kind is used?
35. Which fosters independent voting and why?
36. What restrictions on voting were there in the early days of the nation and by what year were they removed?
37. What are the six requirements for voting?
38. Can aliens vote in any States?
39. How many States give women presidential suffrage?
40. Are illiterates generally allowed to vote or not?
41. What is a citizen?
42. How can a foreigner become an American citizen?
43. Are children born in America of foreign parents American citizens or not?
44. What classes are disfranchised altogether?
45. When is the main election day?
46. When are State, county, township, and city elections usually held?
47. When are village and town elections usually held?
48. When are school elections usually held?
49. Why should a voter vote at all elections?

SECTION 6

50. What is the initiative?
51. What is the referendum?
52. How has the referendum been used for amending our State constitutions?
53. What is the recall?
54. Has the introduction of these direct methods given us a "pure democracy?"

QUESTIONS FOR DISCUSSION

SECTION 1

1. What is a "slacker"?

SECTION 2

2. Do you know what parties the members of your family belong to?
3. How much should a son's vote be influenced by his father's?
4. Can you name any other parties than those in the text?
5. What parties are there in your State?
6. Which won the last presidential election?
7. Which won the last State election?
8. Which won the last local election?
9. Has there ever been a non-partisan ticket in your community?

SECTION 3

10. Examine a national party platform and see what it contains.
11. Why is there often prolonged balloting in a national convention?
12. Can you name the presidential candidates in the last election?

SECTION 4

13. Did you ever attend a big political meeting?

SECTION 5

14. Do you know where the polls are in your election district?
15. Do you think illiterates should vote?
16. What is a citizen and who are citizens?
17. How can a foreigner be naturalized?
18. When do children born in America become citizens?
19. How can children not born in America become citizens?
20. When is your village or town election held?
21. What sort of ballot has your State? See if you can get a sample ballot from your local board of elections.
22. Do you think it is better than the Massachusetts ballot?
23. Has your State the direct primary?
24. Does your State use the voting-machine?

SECTION 6

25. What methods of direct government does your State provide?

CHAPTER XVII

TAXATION

1. THE TAXPAYER

Every One Pays Taxes.—Many people think that they pay no taxes because they own no property and never pay anything directly to a tax-collector. If they vote for some wasteful city improvement they think that they will pay nothing toward the expense of it, that the cost will fall upon others. In this they fool themselves. Every one pays a tax. Every boy and girl has paid a tax without knowing it.

This is because most taxes are shifted; that is, the man who pays the tax collects it afterward from some one else. Take the best-known of all taxes, the tax on real estate, land and houses. The owner of the land and house pays the tax, and you might think that if you rent a house or a flat or a room that you pay no tax at all. To the contrary, many landlords are able to add part of the tax, that on the house, into the rent, and the tenant, without realizing it, in paying rent is paying a real-estate tax. (The tax on the land itself cannot usually be shifted and is therefore called a "direct" tax. Taxes which can be shifted are called "indirect" taxes.)

More subtle and concealed is the tariff. As we have seen, this is both a protection to American industries and a tax. The importer of the foreign-made goods pays the tax to the national government, and then col-

lects it from the retailer, who collects it from you. The tariff, you see, is part of his cost, just as much as is the price paid the foreign manufacturer. If you ever bought a doll or any toy made in Germany you paid such a tax. Every time you buy chocolate candy you pay a tax—a small item, but there it is, for the chocolate came from abroad and paid a tariff on entering the country. So it is of any number of common products imported from other countries, silk, woollen goods, sugar, tin, fur, rubber, and so on.

2. THE NATIONAL TAXES

What Is Taxed.—The national government collects its own taxes and the States collect theirs, as you might guess from what we have learned of our double system of government. The national taxes have normally been of three kinds:

1. Customs duties on imports (that is, the tariff).
2. Excise taxes on whiskey and tobacco. (An excise tax is a tax on a home product—an internal revenue tax it is called in our laws.)

3. Taxes on incomes of corporations and individuals.

In war time when the expenses of the national government are very high, taxes are levied on many other things—automobiles, moving pictures, theatre tickets, jewelry, and other luxuries. An inheritance tax has also been used by the national government, that is a tax on all the property of a person who dies. These extraordinary taxes are not usual in peace times.

The national government's power of taxation is granted in the broadest terms (Art. I, Sec. 8, Par. 1)

and it can, if it desires, tax real estate throughout the country. It has done so at times, but it now leaves this to the States as their chief source of revenue.

The restrictions are few and not now important. The Constitution requires that customs duties and such taxes as the tax on tobacco shall be uniform throughout the country. (Art. I, Sec. 8, Par. 1.) This is obvious justice. The next requirement is that "direct" taxes be apportioned among the States according to population. (Art. I, Sec. 9, Par. 4.) This has an historic importance because it delayed the imposition of a national income tax for many years. The Supreme Court decided in 1895, after much argument, that an income tax was a "direct" tax and since Congress had not apportioned the tax according to population, the law was declared unconstitutional. (Income being unequally distributed among the States, such a tax apportioned according to population would not be fair.) The Sixteenth Amendment to the Constitution, passed in 1913, removed this restriction upon income taxes and an income tax has now become a large source of national revenue. Congress is also prohibited from taxing exports. (Art. I, Sec. 9, Par. 5.)

Customs Duties.—These are fixed in a lengthy schedule contained in a bill passed by Congress. The rates vary widely. Many articles enter duty free. The duties are collected at the custom-houses in our ports upon the arrival of the goods. These duties have long been the principal source of the national revenue.

Excise Taxes.—The tax on liquors ceased with the arrival of national prohibition. The tax on tobacco will

doubtless be continued. These taxes are collected by internal revenue collectors. The tax on tobacco is collected by means of stamps required to be affixed to every package. One of the chief duties of the Secret Service has been to run down illicit manufacturers of whiskey in remote districts especially in the Southern States. These secret makers of liquor are called "moon-shiners."

Income Taxes.—These are levied upon all incomes of corporations and upon incomes of individuals exceeding a certain minimum exemption which before the Great War was \$4,000 for married couples and \$3,000 for unmarried persons.

The taxes on personal incomes are arranged on a sliding scale, increasing rapidly in percentage as the income increases. During the Great War very high rates were imposed on large incomes. As an illustration of how rapidly the scale increased, a calculation of the income tax passed in 1917 shows that it imposed the following taxes on these incomes:

AMOUNT OF INCOME	TAX
\$3,000.....	\$20
10,000.....	355
100,000.....	16,180
500,000.....	192,000
1,000,000.....	475,180
3,000,000.....	1,800,180

The percentage ranges from 2 per cent on the last \$1,000 of the \$3,000 income to over 60 per cent in the case of the \$3,000,000 income. The exemption under this law

was \$2,000 for each person. These were, of course, extraordinarily high and will presumably be reduced as soon as the extraordinary expenses of the war cease.

Bonds.—The revenue from taxes should be sufficient to cover all the running expenses of the government in ordinary times. A war, however, involves such large expenses that it must be financed in part by borrowing money. This is done through the issue of government bonds, which are simply the government's promise to pay a certain sum after a certain number of years together with interest in the meantime at a certain rate. The Liberty Loans of the Great War were made by the people's loaning money to the government and receiving in return Liberty Bonds. The total of bonds owed by a government is called its national debt. All the great countries of the world had large national debts which the Great War increased tremendously. Our national debt is relatively small.

For the construction of a great permanent improvement which will last for generations, like the Panama Canal, bonds are rightly issued. To pay for such an improvement by taxes in a few years would increase the tax rates hugely. A bond issue spreads this tax burden over many years.

3. STATE AND LOCAL TAXES

Real Estate.—The chief source of State revenue is the tax on real estate. The collection of this is usually turned over to the local authorities, town or county. Therefore a real-estate tax, assessed and paid locally, may include five different taxes, village, school, town or

township, county, and State. The officers of each of these divisions fix the amount of tax required to meet the needs of their division.

Tax Rate.—The first item to be settled before a tax rate is fixed is the value of the property covered by it. Assessors do this, lot by lot, house by house. Their record is called a tax roll or list. Opportunity is always given for protest by the owner against the size of his assessment. Certain property, such as schools, libraries, hospitals, and churches, is usually tax exempt. Let us say that the total assessed value of all the real estate in a town is fixed at \$3,000,000. Now the amounts needed are as follows:

Schools.....	\$22,000
Town (roads, salaries, etc.).....	20,000
County (roads, salaries, etc.).....	10,000
State (highways, salaries, etc.).....	8,000
Total.....	<u>\$60,000</u>

If \$3,000,000 of property must yield \$60,000 in taxes, each dollar must obviously pay 2 cents. The tax rate is therefore 2 per cent, or as it is commonly written, \$2.00—the tax expressed in dollars and cents per every one hundred dollars.

If your house and lot are assessed at \$5,000 your share of the tax will be \$100.

Collection.—The tax is paid to the tax-collector, who turns over the amounts to the town treasurer, who retains the town's share and pays over what is due to the treasurers of the county and the State. The collector has a right to sell property in order to collect taxes. But this right is very carefully limited.

Personal-Property Tax.—This used to be very generally collected on every sort of property, household furniture, stocks, bonds, and so on. It is still carried on the books of most tax districts, but in practice is collected only from wealthy householders and large owners of stocks and bonds. It is an unsatisfactory tax, for it is very difficult to assess fairly (since personal property is easily concealed), and it is falling into disuse.

Inheritance Tax.—This has become a very common form of State tax. As noted before, the national government has resorted to it in time of war, but ordinarily it has shown a disposition to leave this source entirely to the States. The tax is a fixed percentage of all property owned by a person at his death. It is usually graduated in two respects, the nearness of kinship of the relatives inheriting and the size of the inheritance. Thus the California statute imposes these tax rates when the property goes to husband, wife, parents, grandparents, children, or grandchildren:

PERCENTAGE OF TAX	AMOUNT OF ESTATE
1.....	Up to \$25,000
2.....	\$25,000 to 50,000
4.....	50,000 to 100,000
7.....	100,000 to 200,000
10.....	200,000 to 500,000
12.....	500,000 to 1,000,000
15.....	Above 1,000,000

But if the property goes to brothers and sisters the rates range from 3 per cent to 25 per cent; if to uncles and aunts 4 to 30 per cent; and to others 5 to 30 per cent, the latter beginning with \$500,000.

These rates are higher than most States. But the tendency to tax large inheritances heavily is growing.

Income Tax.—Some States impose taxes on personal incomes, thus subjecting them to a double tax since the national government has also taken to taxing incomes.

Corporation Tax.—Many States tax the corporations doing business within them. It is levied in various ways, sometimes on the capital stock, sometimes on the income. In this latter form it duplicates the national tax on corporation incomes.

Licenses and Fees.—These are small taxes collected by a government usually in connection with some act performed by the government. The fee for a dog license pays for the pound keeper and eliminates stray dogs. A marriage license covers the expense of keeping marriage records. High license fees for saloons used to pay a large revenue in some States, one of the objects being to reduce the number of saloons. Fees must also be paid for having a deed or other document recorded in the county records.

Franchise Taxes.—A franchise is a privilege given to a person or corporation to use public property, for instance, to a street car company to build tracks and run cars in a public street. Some cities tax such franchises heavily. Chicago, for example, receives more than \$1,500,000 a year by taxing the earnings of its street railways.

Assessments.—The cost of local improvements, sewers, new streets, etc., is usually assessed against the near-by property owners in proportion to the special benefit which it is calculated will result to them. These

payments are called special assessments. They are not like other taxes because they are not equally applied to all property owners but are collected from the few especially benefited.

Bonds.—All our local governments issue bonds to pay for permanent improvements. The purpose is exactly the same as in the case of national bond issues. If a schoolhouse is built costing \$100,000, it is not considered right that taxes should be jumped to pay such a huge sum in the year or two of its construction. Therefore the school district issues its bonds to borrow the money. The same is true of sewers, water-works, and all lasting improvements. Our great cities have huge debts outstanding as a result.

It is so simple to issue bonds that communities are often tempted to pay for temporary improvements in this fashion. This is unsound and puts a heavy burden on later generations. For interest has to be paid regularly. The principal of every bond must be paid off when due. For this purpose sinking funds must be established, and this means that everybody must be taxed not only enough to pay the current interest but also enough in addition to put by a sum each year which will produce a total equal to the principal when the bond falls due. Issuing bonds is mortgaging future generations, and a community should be very careful to do it only for lasting improvements of which future taxpayers will share the benefit.

Eminent Domain.—Suppose a new railroad is needed or a new street. It must run across the private property of a number of owners. Suppose these owners do not

wish to sell—even though the public benefit is clear. Can the nation, State, or town, or village take this private property for this public purpose? It can; and the right is called the right of eminent domain. The only limitations are that the public need shall be established by an impartial body and that the owner shall be paid the value of his land. The legal proceedings by which these facts are determined are called condemnation proceedings. The owner is protected from the arbitrary taking of his property without proper compensation by the Fifth Amendment to the national Constitution. (See its last clause.)

QUESTIONS ON THE TEXT

SECTION 1

1. How many people pay taxes?
2. What is the difference between a direct tax and an indirect tax and how is a tax shifted?
3. Can you illustrate in the case of a tax on a house and in the case of the tariff?

SECTION 2

4. What are the three principal taxes of the national government?
5. What other taxes have been used in war time?
6. What constitutional restriction is there on the levying of customs duties and excise taxes?
7. What constitutional restriction is there on the levying of direct taxes?
8. How did this delay the income tax?
9. Can Congress tax exports?
10. What has been the principal source of national revenue?
11. Where are customs duties collected?
12. Upon what articles have excise taxes been laid by the national government and who collects them?

13. Upon whom does the national government levy an income tax?
14. How large a percentage of income did the national government take as an income tax during the World War?
15. Why does a government issue bonds and when is it justifiable?
16. What is the national debt?
17. How was the Panama Canal paid for?
18. Why was this method justifiable?

SECTION 3

19. What is the chief source of State revenue?
20. What government levies and collects this tax?
21. What divisions share in this tax?
22. How is a tax-roll made, who makes it, and what is it?
23. What property is exempt from taxation?
24. Given the total assessed valuation of a town, how is the tax rate figured?
25. What is done with the tax when collected?
26. How can a tax-collector enforce payment of a tax?
27. What is the personal-property tax and why is it not as well enforced as the real-property tax?
28. What is an inheritance tax?
29. Do many States use it?
30. In what two respects is the inheritance tax graduated?
31. Describe the general scheme of the California tax. What is the highest percentage reached?
32. Do many States impose taxes on personal incomes?
33. Do many States impose taxes on corporations?
34. Give some illustrations of licenses and fees.
35. What is a franchise tax?
36. What is an assessment and how does it differ from a tax?
37. For what purposes should local governments issue bonds?
38. Why is it unfair to future taxpayers to pay for temporary improvements with bonds?
39. What is the right of eminent domain?
40. What are the two limitations on it?
41. What law enforces these limitations?

QUESTIONS FOR DISCUSSION

SECTION 1

1. What taxes have you ever paid indirectly?

SECTION 2

2. Have you ever seen a stamp used as a tax?
3. Do you own a Liberty Bond?
4. How many issues of Liberty Bonds were there and what was the total sum sold?

SECTION 3

5. Find the real-estate tax figures from your local tax-collector, total assessment, rate, etc.
6. What tax-exempt property is there in your community?
7. To what extent is the personal-property tax collected in your community?
8. Has your State an inheritance tax? If so, what are its rates?
9. Has your State an income tax? If so, what are its rates?
10. Has your State a corporation tax? If so, what are its rates?
11. Have you ever paid a license tax or a fee?
12. Does your city collect any franchise taxes?
13. Has there been a special assessment in your neighborhood lately?
14. For what purposes has your community issued bonds?
15. Has any property been taken by condemnation proceedings in your community lately?

CHAPTER XVIII

COURTS AND TRIALS

1. THE TWO KINDS OF LAWS

Civil Laws.—If a gang of hoodlums, old enough to know better, set fire to a barn for the fun of seeing a blaze, they break two different kinds of laws and commit two different kinds of wrongs. They damage the owner of the barn, for they destroy it and he is that much poorer. He therefore has the right to sue them for damages in what is called a “civil” suit. (To sue is simply to seek justice in a court, and a suit is the process of doing this.) This law—that we must not destroy another’s property and that if we do he can go to court and compel us to pay for the damage done—is called a “civil” law. You see that this wrong is done to an individual.

Criminal Laws.—But a wrong has also been done to the people of the State in which the barn is located. The whole community is imperilled and injured by having such hoodlums about. Nobody’s barn is safe. Therefore the law of the State says that the act of setting fire to a barn is a crime to be punished by imprisonment. The hoodlums have therefore broken a “criminal” law as well as a “civil” law.

Points of Difference.—This distinction is important and runs throughout the law. In a civil suit, the plaintiff (who sues) and the defendant (who is sued) are both individuals. In a criminal suit the people, styled “The

People of the State of New York," for instance, are the plaintiff, and the accused person is the defendant. If the crime is against the nation, counterfeiting, for instance, "The People of the United States" are the plaintiff. In a civil suit, each side hires his own lawyer and pays his own expenses. In a criminal suit, the "People of the State" are represented by the District Attorney, a public officer elected by the county. The defendant hires his own counsel. In a civil suit the object is to recover damages or in some cases prevent damage. In a criminal suit the object is to convict the defendant of a crime and have him fined or imprisoned. (A fine is a money payment to the State. It is imposed as a punishment and to prevent a repetition of the act and not to recompense anybody.)

2. A CRIMINAL TRIAL

The Crime.—Let us suppose that a murder has been committed in your village. A respected storekeeper going home on Saturday night with his cash from the till has been struck on the head, killed, and robbed. His body is found at midnight by a policeman. The murderer has vanished. Let us now see what legal steps follow, remembering that all these matters are left to the individual States to decide and that the details vary with every State.

The Coroner's Inquest.—The first public inquiry is made by the coroner, an officer of the county whose business it is to inquire into every mysterious death. He summons six or twelve men to act as a coroner's jury and holds what is called a "Coroner's Inquest." Wit-

nesses are called and the jury report what they think has been the cause of death—"from a blow struck by a person unknown," for instance. This is usually a brief and unimportant process.

The Arrest.—Meantime the district attorney of the county and the county detectives as well as the local police have been hard at work. Within a few days a man brings suspicion on himself through the lavish spending of money and it is found that he lives not far from the scene of the crime. The police can arrest at once on reasonable suspicion and they do arrest if there is any fear that the suspect will escape. (Can a private citizen make an arrest? Only if a crime is actually committed in his presence.) Here the district attorney goes privately to a judge and secures a warrant (that is an order) for the man's arrest. The police arrest the man and lock him up.

If this happens in a large city the prisoner is at once photographed and measured by the Bertillon system and thus, if he has ever committed a crime before, he is at once identified by his measurements and his old record produced even though it may have been years before and he is now living under an alias, that is, an assumed name.

A Prisoner's Rights.—Here in jail the law at once begins to protect the prisoner from injustice. It provides that a prisoner when questioned must be warned that everything he says may be used against him; and that if this warning is not given or if force or duress (that is, threats or terrorism amounting to force) is used, nothing that the prisoner says can be used against him.

As soon as he is arrested a prisoner is entitled to the advice of counsel. Many other safeguards will appear later. They are all based on the broad idea that every man is to be presumed innocent until he is proven guilty. That is something we should all remember and apply, for it holds true in every-day life just as much as in a trial in court. It is one of the noblest principles of that splendid body of law which we have inherited from England. The chance is a long one that any honest, well-meaning American will ever be falsely accused and arrested. But if he is, his very life may depend upon our wise and benign system of law which protects the innocent just as zealously as it seeks out the guilty.

Habeas Corpus.—These Latin words mean “Have the body.” It is a writ, that is, an order, issued by a judge requiring the officers of a jail to bring a prisoner before him. “Have the body brought before the court” is the full idea. The purpose is to prevent unlawful arrest and imprisonment. If a prisoner does not know why he was arrested or whether he is legally detained, he can find out by obtaining this writ. The court must investigate and decide whether the prisoner is legally held. If illegally held he sets him free. This is an old English writ of the greatest importance to our liberties.

The national Constitution protects it in Article I, Section 9, Paragraph 2. Yet there is also a clear recognition that in time of war private rights must give way to public safety. Under these conditions Congress can suspend the right to the writ and permit imprisonment without the necessity of explaining why.

Arraignment.—The prisoner is next brought into court before a justice of the peace (in a city before a police magistrate) and a brief hearing is given to the evidence. If the crime charged were a minor one (disorderly conduct or a violation of a speed law) the justice of the peace could go ahead and try the case and find the defendant guilty or not guilty. But the charge being a grave crime, he can only decide whether the prisoner shall or shall not be "held for the grand jury," that is, kept in jail until the grand jury can hear the evidence. If there is no evidence he sets the prisoner free.

Bail.—In the case of ordinary crimes, a prisoner can be released on bail while awaiting further action. That is, his friends who own property can sign a bond in an amount fixed by the court, agreeing to produce the defendant in court when he is wanted or forfeit the sum named. (A defendant is said to "jump his bail" if he runs away.) Murder is such a grave charge that a prisoner accused of it is not admitted to bail.

The Grand Jury.—This is the first part of our jury system. It is composed of not less than twelve or more than twenty-three citizens. The district attorney brings the State's witnesses before this body and presents the case to them. The grand jury sits in secret and hears only the side of the prosecution. The defendant's case is not heard. If at least twelve of the grand jury believe that the prisoner ought to be tried for the murder, the district attorney draws up an indictment making the charge of murder against the prisoner and the foreman writes across the back of the indictment the words "A true bill."

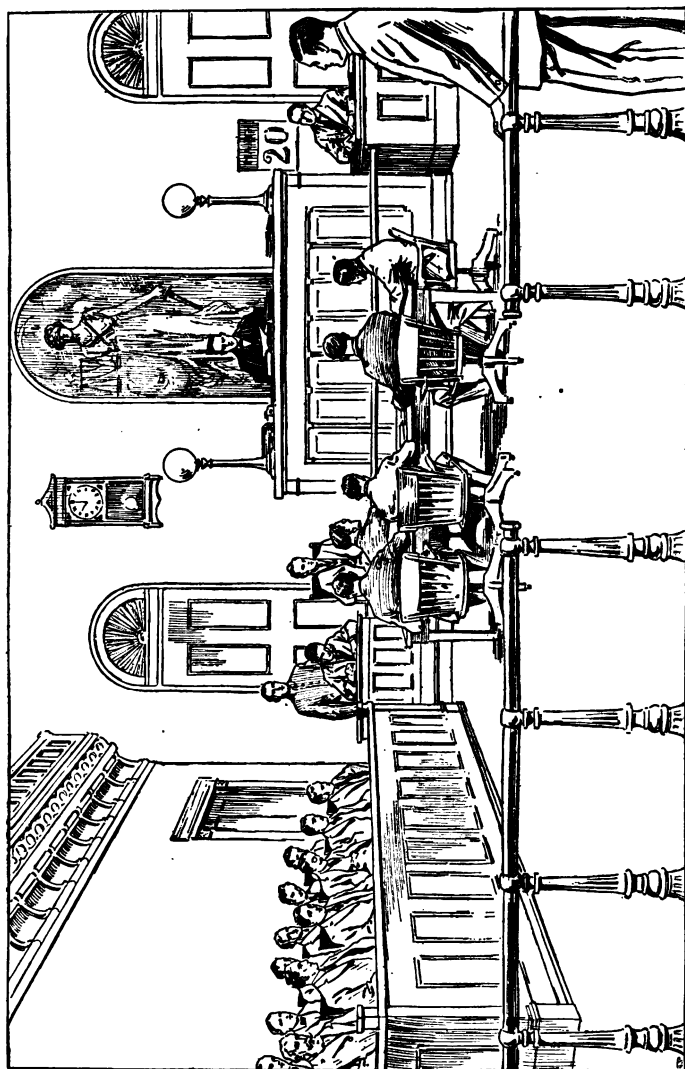
This is not at all a trial of the defendant's guilt or innocence, you see. After indictment, as before, the defendant is still "presumed to be innocent." The grand jury has simply decided that enough evidence exists to require the prisoner's trial. It is another protection of the innocent, the theory being that no one man, not even a public official like the district attorney, should be able to make a citizen stand trial.

The Plea.—The defendant is now brought before the court to "plead." The indictment is read to him and he is asked whether he is "Guilty or not guilty." If he pleads "Guilty" that is the end, and the court proceeds to sentence him without trial.

The Trial.—If he pleads "Not guilty" the trial may not take place for months since the lawyers have much work to do preparing their cases. To compel witnesses to attend, a "subpœna" for each is issued by the court commanding him to appear. This is "served upon" (that is, handed to) the witness by the lawyer who wishes him present. A subpœna must always be obeyed. It is a serious offense to disregard any order of a court.

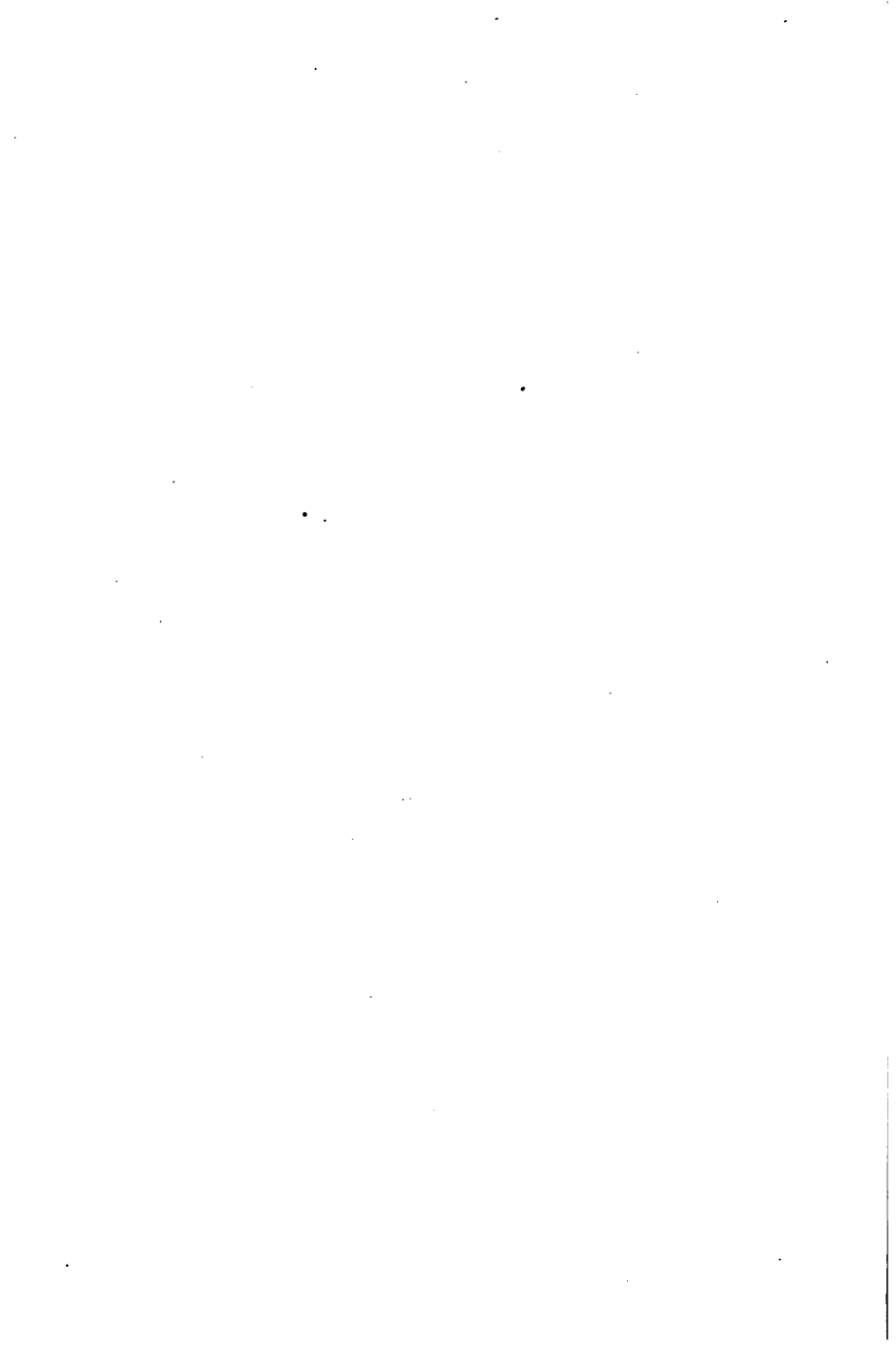
On the day fixed by the judge the defendant is brought into court and the trial begins. The whole proceedings must be public that they may be watched and no star-chamber action take place. Also the defendant must be present throughout. He sits with his counsel facing judge, witness, and jury.

The Trial Jury.—This is the second and more important part of our jury system. It is sometimes called the "petit jury," which means "small jury" to distin-



A COURT-ROOM

The judge is shown seated at the high desk below the picture of Justice. On his left is the court clerk, on his right a witness on the witness-stand. Next to the witness is the court stenographer. The group seated before the judge are the counsel on both sides of the case. In a criminal case the defendant also sits at this table. The men on the left of the picture seated in two rows are jurors in the jury-box



guish it from the grand jury. It contains twelve members.

The jury is chosen from "talesmen," that is, citizens summoned to court as possible jurors. Their names are drawn by lot so as to lessen the chance of bribery or bias and they are questioned one by one as called by the lawyers and the court. Friends of the defendant or of the lawyers, or any one who might have difficulty in giving a fair decision, are ruled out by the court. Each side has also a limited number of "challenges"; that is, each side has the right to exclude a certain number of talesmen without any cause given, simply because the lawyer does not believe they would be favorable to his side.

The Evidence.—The district attorney opens the case with a speech in which he states what he proposes to prove. He then calls the State's witnesses one by one. Each witness is seated in the witness-chair, a high seat between the judge and the jury. A witness is said to "take the stand" when he enters the witness-chair. He is sworn "to tell the truth, the whole truth, and nothing but the truth." If you are ever called as a witness, that must be your sole effort. Whether you have friends in the trial or are interested yourself makes no difference. Any one who tells anything but the truth commits perjury, the crime of false swearing, a very serious offense.

Now, a witness gives his evidence in court in only one way and according to a great many very technical rules, called the rules of evidence. For the first point, a witness is not allowed to volunteer anything. He must

answer only the questions put to him. This often seems a slow and silly method to outsiders. But the reason is clear. Only by this method is it possible to keep the witness from blurting out prejudices, guesses, remote facts that the jury ought not to pay any attention to and had best not hear. Only questions that call for proper evidence are allowed. Others are ruled out.

Long experience has shown that certain kinds of testimony can be believed and certain kinds cannot. The best illustration is hearsay, which the rules of evidence exclude (save in exceptional cases). Hearsay is second-hand evidence; that is, the witness tries to tell not what he, himself, saw or heard but what somebody else saw and related to him. Gossip is typical hearsay and everybody knows how unreliable it is. A story always grows as it is handed on. So the law insists that no hearsay should be admitted, that the person who saw or heard must be produced in court. The basic objection to hearsay, you see, is that it is not sworn to, for the man who started the story is not in court.

There are many other rules of evidence which must be obeyed. The lawyers must follow them in their questions; and if a witness tries to evade them his answers are stricken out.

Direct and Cross Examination.—The district attorney first puts on the stand the policeman who found the body and asks questions that bring out what the policeman saw and did on that night. This is called the direct examination. Counsel for the defendant then has the right to cross-examine the policeman, that is,

question him about what he has told and try to bring out facts more favorable to his client. Or if a witness is not telling the truth he can often be tripped into a contradiction and thus shown up as a liar.

Let us say that no witness of the crime can be produced. There is then no "direct" evidence. But the "circumstantial" evidence may be strong. That is, a weapon stained with blood and fitted to produce the wound that caused the death of the victim is found on the defendant. Also a document that was in the victim's pocket is found on the defendant. Such evidence is often just as damning as direct evidence.

The Defense.—After all the witnesses for the State have testified and been cross-examined, the prosecution rests. The defense opens with a speech by the defendant's lawyer and the defendant's witnesses are called in turn exactly as the State's were. The district attorney can cross-examine these witnesses just as the defendant's counsel could cross-examine the State's witnesses.

One of the commonest defenses is an alibi, that is, evidence that the defendant was somewhere else than the place of the crime at the time it was committed. The defendant's neighbor takes the stand and swears that he saw him at his house around ten o'clock, the hour of the murder.

Can the defendant testify in his own behalf? He has the right, but he seldom does. Even an innocent man is apt to become confused with so much at stake and therefore the law provides that no defendant can be compelled to testify against himself in any criminal

case. This is another protection that the law throws about the defendant.

The Summing Up.—Both sides now sum up, the lawyer for the defense first, the district attorney last. These speeches are addressed to the jury and are often very eloquent pleas.

The Judge's Charge.—Finally the judge "charges" the jury, that is, tells them what the law of the case is. Here is an interesting and important distinction. The judge lays down the law; the jury decide every question of fact. The judge is not even permitted to express an opinion on a question of fact. Let us take an illustration: The judge in his charge explains the different degrees of murder. These are carefully planned so as to inflict a punishment proportionate to the crime. Thus for murder in the first degree (punishable by death) there must be not only an intent to kill but premeditation, that is, some planning and reflection. Killing in a sudden burst of anger without forethought is not considered as grave a crime as killing in cold blood. It is punishable by life imprisonment, not death. This is part of the law which the judge must set forth and which the jury must accept.

On the other hand, it is for the jury to decide whether the neighbor is telling the truth or is possibly mistaken—whether the alibi is true or false. On this decision may depend the verdict and it is wholly a question of fact which the jury have the exclusive right to decide.

How sure must the jury be? This is again a matter of law which the court explains. In order to convict a defendant of any crime, the jury must be convinced

of his guilt "beyond a reasonable doubt." That is a severe requirement. It is made so in order to protect the innocent. In civil cases, where only money is at stake and not liberty or life, a jury decides by the "weight of evidence"—that is, with whichever side makes out the stronger case. But it is not enough for the district attorney to have the "weight of evidence" on his side. He must prove the State's case beyond a reasonable doubt.

The Verdict.—The jury is now locked up in a jury room to debate the evidence and seek to agree on a verdict. All twelve jurors must agree in order to bring in a verdict. Sometimes they are kept out for a day or more if there is any chance of agreement. One stubborn juror may prevent a verdict and his fellow jurymen take turns in trying to change his mind. If they are utterly unable to agree, the foreman so announces and the court dismisses the jury and the whole trial goes for nought. This is called a "hung jury." The district attorney can begin all over again with a new jury, but his chances of success in a second trial are not good.

In a few States the old rule has been modified and eleven or even seven jurors may bring in a verdict. This change prevents "hung juries," but its justice has yet to be approved generally.

In our case let us assume that the jury has been so impressed by the evidence of the neighbor that it feels grave doubts of the defendant's guilt even though the circumstantial evidence is strong. It therefore brings in a verdict of "Not guilty." The defendant is freed at once and he is free for all time as he can never be

tried again for the same crime, once a verdict of "Not guilty" has been reached.

Appeal.—Had he been found guilty, his lawyer could have appealed to a higher court of the State (usually called the Supreme Court or the Court of Appeals) and obtained a review of the law points involved. Generally speaking, questions of fact cannot be raised on appeal.

Constitutional Points.—It is on such an appeal that constitutional questions often arise. The safeguards which surround every defendant in an American trial for crime should be observed by the trial judge; but if he fails to do his duty, their protection can still be obtained on appeal and the whole conviction set aside. These are the main points:

1. There must be an indictment by a grand jury in the case of any felony (that is, a serious crime).

2. No person shall be tried again for the same crime after acquittal.

3. No person shall be compelled to be a witness against himself.

4. A defendant is entitled to a speedy and public trial by an impartial jury.

5. He must be informed of the nature of the accusation, be confronted by the witnesses against him, have the right to have witnesses summoned in his behalf, and have the assistance of counsel.

6. No ex-post-facto law shall be passed. That is, a law making an act done in the past a crime. "After the fact" the words mean.

The first five of these you will find in the Fifth and Sixth Amendments to the national Constitution, the sixth in Article I, Section 9, Paragraph 3. There are

similar rules in all the State constitutions. They represent the results of the long fight for fair trials won by Englishmen before our republic was founded. They are part of that English freedom from which our American freedom was developed.

Sentence and Punishment.—The court sentences a convicted defendant after taking into view all the facts of his past life. Sometimes, in the case of first offenses for lesser crimes a judge suspends sentence altogether. For almost all crimes the term of imprisonment is fixed by the law within certain limits—from five to ten years, for instance. The judge decides whether the full term shall be imposed or less.

The view is now gaining ground that we should make more effort to reform our criminals. The old tortures and cruel punishments have long been abolished. No punishment is for revenge in our modern view. The object is to restrain the criminal from repeating his crime and also by the example to prevent others from committing the same crime.

Many States are now introducing “indeterminate sentences” as one aid to reform. This system allows great chance for individual treatment. A minimum term is fixed by law; beyond that it depends on how the prisoner behaves in prison; and after he is released he is “on parole” for a period, this meaning that if he does not behave as he promises he goes back to prison to serve out his term.

Children's Courts.—As part of this new wisdom in dealing with criminals has come the children's court. One of the worst features of the old system was that it threw all prisoners together, old and young, first of-

fenders and hardened yeggmen. The result was that our jails trained all prisoners in corruption.

The children's court takes all cases of alleged crime up to sixteen or seventeen or even eighteen in some States. It is not run at all like the court we have described. The theory of it is that boys or girls of this age are not real criminals at heart no matter what they have done and that every effort should be made to appeal to their good side and turn them into the right road again.

The judge hears the case without any jury and the punishment is entirely in his hands. He is more like a just father than a court. Imprisonment is used as a last resort; and then only a sentence to a reform school, until twenty-one, is given. Most children are released on parole in charge of a man or woman known as a probation officer. This officer goes to their homes and to their schools and watches over them. At regular intervals they report to the judge.

3. CIVIL TRIALS

General Description.—Civil trials resemble criminal trials with the differences noted before. There is no district attorney, each side having its own lawyer. Either side can demand a jury if the case involves a considerable sum of money. But many cases are left to the judge to decide, facts as well as law. The same rules of evidence apply and lawyers for plaintiff and defendant present their cases in much the same order.

Pleadings.—There being no crime charged, there is no indictment. There are instead pleadings between

the two parties. The plaintiff serves a summons and also a complaint on the defendant, stating on what facts he makes his claim and how large damages he claims. The defendant serves an answer in which he states his defense.

Judgment.—If the plaintiff wins, he gets a judgment ordering the defendant to pay him a certain sum of money. This judgment the court enforces through the sheriff who can seize property of the defendant and sell it if necessary to pay the judgment. In certain cases, also, a court issues an injunction, that is, an order directing the defendant to do something else than pay money by way of reparation or to refrain from doing something that is injuring or will injure the plaintiff. This is called “equity” relief as distinct from “law” relief which gives only money damages.

A century ago, a defendant who would not or could not pay a judgment was thrown into jail, to remain indefinitely. This was harsh and unjust and very stupid, for while in jail no debtor could possibly earn money to pay what he owed. Imprisonment for debt has now been abolished everywhere. You can read in Dickens’s novel, “Little Dorrit,” the tragedy and injustice of this old-time practice. Amy Dorrit was born and brought up in a London prison where her father was confined for debt. This novel had much to do with changing the law.

4. COMMON AND STATUTE LAW

Statute Law.—You may have seen the huge volumes of laws which legislatures of every State have passed.

One or two volumes are passed every year. These are called the statute law, which means simply law enacted by a legislature.

Common Law.—We have also a large and most important body of law which was never thus enacted by any legislature. It is called common law, which means that it originated as common usage. That is the way all English law began, by the courts enforcing the general customs of honest business and orderly life. Gradually general rules developed which all the judges followed. It is of ancient origin and was taken over in full by our colonies when they split from England. This law is contained in the decisions of judges, and it is still growing as our courts interpret old laws to meet new conditions.

This system makes our laws flexible, more easily bent to meet new necessities. It also makes for justice, since so many of our laws are the slow growth of many centuries of custom and experience rather than the opinions of any one group of men.

QUESTIONS ON THE TEXT

SECTION 1

1. Against whom is a civil wrong done and against whom is a crime committed?
2. What are the parties to a suit?
3. What does the plaintiff seek to get in a civil suit?
4. Who is the plaintiff in a criminal suit?
5. Who is the lawyer for the plaintiff in a criminal trial?
6. What is a fine and why is it imposed?

SECTION 2

7. What does the coroner do?
8. When can the police make an arrest and when can a private citizen?
9. What is an alias and how can the police discover that a prisoner is using one?
10. What are a prisoner's rights when arrested?
11. Up to what point is a man presumed to be innocent?
12. What is a writ of habeas corpus?
13. How does the Constitution protect it, and when may it be suspended?
14. What cases can a justice of the peace try?
15. Describe an arraignment.
16. What is bail and who can give it?
17. What evidence does a grand jury hear and what does its indictment do?
18. How does the grand jury protect the innocent?
19. How can a defendant plead in a criminal trial?
20. What is a subpoena and why must it be obeyed?
21. Could any part of a trial be held in secret or without the defendant present?
22. What does the trial jury do and of how many members does it consist?
23. How is it chosen?
24. What are talesmen and what are challenges?
25. What does a witness swear to do?
26. What is the crime of swearing falsely called?
27. Why is a witness allowed only to answer questions and not volunteer anything?
28. Why are there rules of evidence?
29. Can you give an example of hearsay?
30. What is direct examination and what is cross-examination?
31. What is circumstantial evidence?
32. What is an alibi?
33. May a defendant testify in his own behalf? Must he?
34. What is the judge's charge and what does it contain?

35. What questions are left entirely to the jury to decide?
36. In what cases must a jury be convinced beyond a reasonable doubt?
37. What are the two verdicts that a jury may bring in?
38. What happens if a jury cannot agree?
39. Do all States require all twelve jurors to agree in order to bring in a verdict?
40. What kind of questions are raised on appeal?
41. What are the six chief protections insured a defendant in a criminal suit by the Constitution?
42. What is prison reform and how does an indeterminate sentence operate?
43. Why are children's courts created?
44. Describe how they are conducted?
45. When a prisoner is released on parole what happens?

SECTION 3

46. How does a civil trial differ from a criminal trial?
47. Must there be a jury in a civil trial?
48. What does a judgment give a successful plaintiff?
49. How does an injunction differ from a judgment for money damages?
50. Can a man be imprisoned for debt?

SECTION 4

51. What is the distinction between common and statute law?

QUESTIONS FOR DISCUSSION

SECTION 1

1. What civil wrongs can you name?
2. What crimes?
3. Why should one obey the law?

SECTION 2

4. Have you ever seen a court-room or witnessed a trial?
5. What other kinds of evidence are apt to be deceptive besides hearsay? How about testimony of a near relative or some one deeply interested?
6. If you were cross-examining a witness how would you try to trip him up?
7. Do you think a boy accused of any misconduct in school has a right to be heard in his own defense?
8. Have you ever seen a jail? Do you know how convicts used to be dressed and how they are dressed now? What was the lock-step?

SECTION 3

9. Can you think of any cases in which money damages are not sufficient reparation?

CHAPTER XIX

THE MAKING OF THE CONSTITUTION

The Critical Period.—We are apt to think that the Revolution made the United States, and that after the dark days of Valley Forge and the other heroic hours of the War of Independence, all was plain sailing. Nothing could be further from the fact. The Revolution won independence for the colonies and made possible a united America. But for six long years, from 1783 to 1789, it was touch and go whether such a union would be achieved or whether the States would break apart into separate and weak nations to drift into disorder and probable absorption by some foreign power.¹

Articles of Confederation.—The trouble lay with the Articles of Confederation, adopted in 1777 and made effective in 1781, under which the States constituted not a firmly united nation but little more than a league. "A firm league of friendship" was the phrase used in the Articles. The Congress which it created, like the Continental Congress which it succeeded, had neither the power to raise an army nor the power to raise money by taxation. It could order the States to furnish troops and money, but it could not enforce its orders.

With the war over and the peace treaty signed in 1783 the States went from bad to worse. The jealousy

¹ NOTE.—You will find an absorbing narrative of these years in John Fiske's "Critical Period of American History."

of the several States, which had made a league the strongest union acceptable in 1777, led to quarrels between them. Congress, the only central authority created, there being neither executive nor judges to carry out the laws, had the authority to raise money by borrowing, but it had exhausted its credit and could not even find money to pay the soldiers who had fought and won the war. It was mobbed by a crowd of drunken soldiers in Philadelphia in 1783 and compelled to flee to Princeton, New Jersey. Commerce among the States was hampered by customs duties which as separate States they had the right to impose as against one another. New York taxed firewood from Connecticut and farm produce from New Jersey.

Convention of 1787.—Clear-headed men throughout the Confederation realized the gathering danger and set about meeting it. Fortunately the colonies possessed a group of political thinkers as able as any the world has ever produced. We owe an inestimable gratitude to the men who fought the war of independence. We owe not less gratitude to these extraordinary men who, upon the freedom thus won, erected the permanent structure of our government without which freedom must have perished.

At the call of Congress a convention met in Philadelphia in May, 1787, for the purpose of meeting these known and growing evils. Twelve States, all except Rhode Island, responded to the call and sent delegates, fifty-five in all. These men assembled in Independence Hall on May 25 and there, in the same room in which the Declaration of Independence had been signed and

issued to the world eleven years before, began their great labor.

Four of the delegates were men of genius, Washington, Hamilton, Madison, Franklin. Washington was unanimously chosen president of the convention and throughout the four long months of debate and dispute and compromise his nobility of character and unselfish devotion to the cause of union again and again saved the convention from break-up. At the very outset he sounded the lofty note which was to animate the convention. A delegate had advocated half-way measures of amendment as likely to be more popular. To this Washington replied:

“It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God.”

Franklin was eighty-one years of age, the oldest member of the convention. He had returned from his marvellously successful diplomatic labors in Paris in behalf of the Confederation and brought a rare tact and practical wisdom to the convention.

Hamilton and Madison were among the younger men, being thirty and thirty-six respectively. Hamilton was the more brilliant of the two and the more eloquent. But it was Madison whose profound learning and balanced mind contributed most to the Constitution that was created, and he has rightly been termed the “Father of the Constitution.”



INDEPENDENCE HALL, PHILADELPHIA

Here the Declaration of Independence was signed and the Constitutional Convention was held



After the Constitution was completed by the convention and while its adoption by the States was still in doubt, these two, Hamilton and Madison (aided by John Jay), wrote "The Federalist," a series of articles expounding the Constitution and urging its adoption. This volume ranks with the greatest works on political theory of all time.

There were many other able men in the convention, all of whom contributed something to the final result. The sessions were held in secret so that delegates could be free to speak their minds and the disputes that arose could be settled in the privacy of the convention. Serious disagreements existed; interests of different sections clashed gravely. It was only by infinite patience and generous compromise that agreement was finally reached—not a compromise of those principles of right and wrong which no man should ever compromise, but compromise of those personal opinions and selfish interests which a man should always stand ready to sacrifice to the public good.

Sources of the Constitution.—In praising the masterly achievement of the great men of 1787, we must not mistake the nature of their labor and conceive that they invented a wholly new and untried system of government. Their achievement would have been far from masterly and would probably have lasted only a brief period if they had attempted any such experiment. What they did was to draw on all the experience and wisdom of the past (especially the experience of the thirteen States as recorded in their constitutions and the example of England), taking those elements which had worked well,

adapt them to the needs of the new nation, invent new devices where it seemed necessary, and build therefrom a new and beautifully proportioned structure. In one sense, nothing was new in the Constitution; in another sense, it was wholly new.

The Great Compromise.—The chief dispute in the convention came between the small and the large States. The former naturally feared that if they entered a nation they would be outvoted and overwhelmed. In the Congress of the Confederation each State had one vote and a continuation of this system was put forward by the delegates from New Jersey, therefore known as the New Jersey plan. Connecticut, Delaware, and Maryland sided with this view.

The Virginia plan, supported chiefly by Massachusetts, Pennsylvania, and North Carolina, was largely the work of Madison, and it provided for a legislature of two houses, in both of which representation was to be according to population. This would have given the large States complete control.

Debate upon these two plans was prolonged and bitter and it was not until the delegates from Connecticut put forward a plan known as "the Connecticut compromise" that any hope of agreement appeared. In this scheme, the House of Representatives was to represent the people in proportion to population; the Senate was to represent the States, large and small having an equal representation. "Yes," said Franklin, "when a joiner wishes to fit two boards, he sometimes pares off a bit from both." This compromise, as you will recognize, was the system adopted in the Constitution. So im-

portant did the smaller States consider their equal representation in the Senate that change of this provision is prohibited save by consent of the State. (Art. V.) It is the only part of the Constitution requiring unanimous consent of the States for its alteration.

After this difficult problem was settled and the small States placated, the Virginia plan was largely adopted in respect to other matters. The central government received ample authority to tax, to raise armies, to control commerce between States, received indeed all those powers the lack of which brought the Confederation to the verge of disaster.

Slavery.—Opinion against slavery had not crystallized by 1787, and while the Northern States sought to prohibit the importation of slaves, the wish of the Southern States in part prevailed. The slave population was not large at this time and its evils and peril to the nation were not clearly foreseen. The main disputes relating to slavery were compromised. The one was whether slaves should be counted in figuring the representatives of a State in Congress and also in apportioning taxes. This was compromised by agreeing that for both purposes five slaves should count as three individuals. (Art. I, Sec. 2, Par. 3.) The question of the slave trade was compromised by providing that it should not be ended prior to 1808, that was for twenty years. (Art. I, Sec. 9, Par. 1.)

The Presidency.—The President was modelled to some extent on the British King, carefully modified to avoid any possibility of the tyranny which the colonists knew to their sorrow in George III. His powers were strictly

limited; he was to be elected for a fixed term of four years. Now, at this time the British Government was rapidly moving away from its old monarchical character through the development of the prime minister, the head of the British Cabinet. Nominally appointed by the King but really the leader of the majority in the House of Commons, this officer was fast becoming the true executive power of the British Government. But this fact was not realized at the time our Constitution was made. Therefore the Convention of 1787 paid no attention to the example of the prime minister in creating our President. Had it copied the prime minister instead of the King our President would be elected by the House of Representatives and would hold office not for a fixed term but only so long as a majority of the House supported him. This is called the "responsible cabinet" system and is the way England is governed to-day. The point is important because it marks a vital difference between our government and the English system.

The convention feared to trust the people to select a President and therefore invented the electoral college, already referred to. It was one of the more novel features of the Constitution; it was praised by every one and opposed by none; and it failed completely, being overridden by the popular desire for direct election by the year 1800.

The Supreme Achievement.—The supreme creation of the convention was the relation of the Constitution to the government. It was made the "supreme law of the land" (Art. VI, Sec. 2), and a Supreme Court was

created to interpret it. (Art. III, Sec. 1 and Sec. 2.) It was made binding not only upon the States and individuals, but upon the national government, executive, legislative, and judicial departments alike. Effective force was given to its binding character through the power of the Supreme Court to declare acts of Congress which violated the Constitution unconstitutional. This was undoubtedly the plan of the convention and through the wisdom and courage of Chief Justice Marshall of the Supreme Court it speedily became the accepted interpretation.

"The American Constitution," says James Bryce in "The American Commonwealth," "is the living voice of the people." That is the accurate truth. The people speak through the Constitution; and the Constitution, by its own provisions, is supreme above every other power in the country.

This was a magnificent conception and a wholly novel one. No other country in the world has a like system. It was the crowning achievement of a great labor.

Adoption of Constitution.—Some one has remarked that our Constitution can be read through in twenty-three minutes. It is amazingly brief for the vast ground it covers and the enormous structure it rears. Yet it took four months of the hardest labor to build it and its completion marked perhaps the mightiest creation ever accomplished by any single group of men. There was deep emotion when on that September 17 Benjamin Franklin arose to state his reasons for signing the completed document. The spirit of generosity and prac-

tical wisdom that ruled the convention breathed in his words:

"I confess that there are several parts of this Constitution which I do not at present approve; but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

"Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. . . . I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered."

A unanimous vote of the States represented was cast for the Constitution. But it had to be referred to the legislatures of the States for ratification, and serious opposition arose in several States, including New York. Here it was that Hamilton and Madison did rare work. Their "Federalist" had much to do with winning New York. You can see the clear reasoning of these papers from the following quotation. It is from the 51st paper of the "Federalist," probably written by Madison, and is a defense of the system of checks and balances of the Constitution with which you are already familiar:

"Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

By July, 1788, the Constitution had been ratified by nine States and therefore, under its terms (Art. VII), went into effect. North Carolina held out until 1789 and Rhode Island until 1791. Meantime the first presidential election had been held, in January, 1789, and on April 30 George Washington was inaugurated at Federal Hall, in New York City, the first President of the United States.

The Growth of Nationalism.—Oddly enough there was little dispute in the constitutional convention over the point that was to harass the country for seventy-five years, until settled for all time by the Civil War. That was the broad question of how firmly united the States were under the Constitution of 1789, whether, in fact, a true nation had been created, with ample power to perpetuate itself. As a matter of fact the Convention of 1787 could not have gone farther than it did in creat-

ing a strong national government. The Constitution never would have been accepted by the States had our modern theory of nationalism been expressly adopted. It was necessary to leave the definition of this issue to coming generations.

In the gradual development of national powers no American played a greater part than John Marshall, Chief Justice of the Supreme Court from 1801 to 1835. His name deserves to rank with the greatest names of the Convention of 1787, for it was his great intellect that gave life to their work and made a strong and united America possible. He stands with the greatest judges of any country or any time. His work was not as conspicuous as that of generals or Presidents, but it was not less vital to our national safety. Under his leadership the Supreme Court upheld the liberal construction of the "elastic clause" (Art. I, Sec. 8, Par. 18) and prevented any encroachment by the States upon the powers essential to the preservation of the Union.

The railroads brought the different parts of the country closer together and aided the national spirit. The great movement to the West and the development of new States without the old prejudices and traditions made for unity. The War of 1812 and the war with Mexico strengthened patriotism and gave the national government new vigor.

The coming spirit of union in the country was never better stated than by Daniel Webster in his famous "Reply to Hayne," a speech delivered in the Senate in 1830. Senator Hayne, of South Carolina, had spoken in defense of the doctrine of States' rights and "nullifica-

tion," that is, that a State had the right to nullify or set aside an act of Congress. The concluding words of Webster's speech were:

"When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, with fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory as, 'What is all this worth?' Nor those other words of delusion and folly, 'Liberty first, and Union afterwards'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—'Liberty *and* Union, now and forever, one and inseparable!'"

The land "drenched with fraternal blood" which Webster prophetically described came to pass in 1861 over the issue of secession, the right that the Southern States claimed to secede, that is, quit the Union. This was the culminating fight in the long dispute over the character of the federal government created in 1787. In his first inaugural, in 1861, President Lincoln defined his stand:

"I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual."

The victory for the Union ended this issue for all time. The final theory of the nation was expressed by the Supreme Court in the declaration that ours is "an indestructible union of indestructible States."

"The Indestructible States."—Despite the victory for the principle of perpetual union, the need for the States exists as much to-day as ever. Ours is still a double government. The question now is the practical one of how far it is wise to increase national governmental activities, since the point surely exists at which the States will lose their self-respect and their efficiency as self-governing units. Home rule is still a vital principle of our government, as we have seen. It is a vital faith in America that the States must be preserved in full force and power. Events have necessarily increased the duties of the national government. It is the fear of many that the point has already been reached where the vigor of the States will be impaired. Those who believe in a strong national government feel that this is not so. It is not a question easily settled and it will undoubtedly fall to every reader of this book to help settle it. You must do so with a knowledge of our history and a clear understanding of the nature of our double government.

The Amendments.—There are two methods of amending the Constitution provided: 1. By a convention called by Congress upon the application of the legislatures of two-thirds of the States (but amendments pro-

posed by such a convention must thereafter be ratified by the legislatures or by conventions of three-fourths of the States, whichever Congress directs). 2. By amendments proposed by a vote of two-thirds of both Houses and ratified by three-fourths of the States as under 1. (Art. V.) The first method has never been used. Eighteen amendments have now been passed by the second method.

The first ten of these constitute the Bill of Rights and were adopted in 1791. The Thirteenth, Fourteenth, and Fifteenth grew out of the Civil War, to confirm the emancipation of the negro and seek to insure him the ballot. These were adopted from 1865 to 1870. After another long interval the Sixteenth Amendment was passed enabling Congress to pass an income tax upon a fair basis. This was in 1913. In the same year the Seventeenth Amendment providing for the direct election of senators was ratified. In 1919 the Eighteenth Amendment ordaining national prohibition was ratified.

Thus after an interval of forty-three years three amendments were passed within six years. There have been some to argue that the Constitution was too difficult of amendment and the record of the years from 1791 to 1913 was pointed to as bearing out their contention. But the recent amendments tend to show that the country has no difficulty in passing amendments when it has fully made up its mind.

QUESTIONS ON THE TEXT

1. What critical years followed the Revolution?
2. What were the chief weaknesses of the Articles of Confederation?
3. What taxes did New York impose on neighboring States?
4. Why was Congress mobbed by soldiers of the Revolution?
5. Where did the convention of 1787 meet?
6. How many States sent delegates?
7. Who were the four leading figures of the convention?
8. What was "The Federalist," who wrote it, and what was its purpose?
9. What were the sources of the Constitution?
10. What was the great compromise of the Constitution, what three States offered plans, and which State plan solved it?
11. Who was the author of the Virginia plan and to what extent did it prevail?
12. What were the two disputes over slavery and how were they compromised?
13. Upon what part of the British Government was the presidency modelled and with what differences?
14. How does the British prime minister differ from the President?
15. What is a responsible cabinet and how does it differ from the American cabinet?
16. Was the Electoral College a tried or an untried feature?
17. What was the crowning achievement of the convention of 1787?
18. What did James Bryce call the American Constitution?
19. What was Madison's argument for our system of checks and balances?
20. How serious was the opposition to the Constitution among the States and when was it ratified?
21. Why was the issue of nationalism not expressly settled in the Constitution?
22. Who was John Marshall and what service did he perform for our country?
23. What clause of the Constitution made a growth of nationalism possible?

24. What events aided the growth of a national spirit?
25. What was the doctrine of nullification and what right did the Southern States claim at the time of the Civil War?
26. What constitutional issue did the Civil War settle?
27. What is the final theory of the relation of our national government to the States as expressed by the supreme court?
28. Why are the States still vital to the success of our government?
29. What are the two methods of amending the Constitution and which alone has been used?
30. What are the three main groups of amendments that have been passed?
31. What three amendments have been adopted in recent years?

QUESTIONS FOR DISCUSSION

1. Do you know the names of any of the delegates to the convention of 1787 besides the four leaders?
2. If your State was one of the thirteen original States, what part did it play in the convention? Who represented it, what did they do, how did they vote, and when did your State ratify?
3. Do you think it was wise to hold the sessions of the convention in secret? What sort of body should meet in private?
4. When do you think it is right to compromise?
5. What other things bind the country together besides railroads?
6. In what respects is New York nearer to San Francisco to-day than New York was to Boston in 1789?
7. Are there any constitutional amendments now pending before Congress or before the States?

CHAPTER XX

YOUR GOVERNMENT

The Voters to Come.—The boys and girls of to-day are the voters of to-morrow. The government will be theirs to make of it what they will. All the wisdom of the past, alone, cannot make a government successful. The fate of America rests with each generation. We have a wonderful machine, but it is only a machine, and it will run well or ill exactly as the voters direct. That is why it is the duty of every American to learn how his government works, to watch it, and to the utmost of his ability play his part in running it.

Change.—Our Constitution provides for changes and it has been repeatedly changed in important particulars. It was the intention of the makers of our Constitution that it should be changed when occasion required. All that was insisted upon was that there should be time for reflection and that something more than a bare majority vote should be agreed. That must be our attitude to-day. We should reverence our Constitution for its noble history and its great wisdom. We should reflect long before deciding to alter it. But if new conditions or new wisdom convince us that a change is needed we should not hesitate to vote for it.

Socialism.—There are few limits to the changes which the people of the nation could make in the Constitution if they saw fit. They could abandon our whole system of private ownership and establish a wholly socialistic

state if they wished. That is, they could turn over all the means of production, land, factories, etc., to the state and let them be run co-operatively. The country has already turned over a few of our public utilities to the government to own and run. Some people think that more of such utilities should be owned by the government. Many others think not. The question is solely one of efficiency and justice and individual development. Will further socialistic steps produce the greatest good for the greatest number or not? The people have the power to decide and do whatever they think best. As soon as the bulk of the American people are convinced that the government should own and run all industry they can make it so own and run it. At present the overwhelming majority of Americans prefer private ownership. They like the freedom and chance for individual success that it gives, the incentive it offers every one to develop and forge ahead. They have watched our experiments in government ownership and feel that government ownership of all industry would produce nothing less than national disaster. But the minority of socialists or of any other political belief have only to convince the people that their plan is better and their reform is won.

Bolshevism.—The only real limits upon our government are that it could not be made a government of riot or a government by classes. In the course of the Russian Revolution the Bolshevik government for a time held power by force. The theory seemed to be that the Bolshevik leaders knew better what the people wanted than the people themselves and therefore were

justified in imposing their ideas upon the nation by whatever tyranny and bloodshed were necessary.

That is one sort of government that could not be conducted under our Constitution by any process of amendment. Orderly compliance with law and with the will of the majority are the foundation of our whole system. Destroy that foundation and you destroy America. With it you would destroy the greatest degree of liberty that has ever been attained by human beings, the liberty of order and fair play to all.

Soviet Rule vs. Our Representative System.—Equally antagonistic to our American theory is the Soviet government which the Bolshevists of Russia set up. In our government no public officer represents any class. He is elected by the votes of all, rich and poor, bankers, farmers, carpenters, miners, every one, and he must act for all. This is true of President, governor, legislator, judge, right down to the trustee of the smallest village. In the Soviet system, each factory, each class of workman, elects its class representative, and thus the national legislature is an assemblage of special delegates each looking out for the interests of his own special class.

This is not a wholly new idea. In the beginnings of representative government in England, classes and interests were largely represented. But with the growth of the democratic idea, this system was gradually abandoned and it survives now in England only in the all but obsolete House of Lords, wherein the church is represented by bishops and the nobility by the lords. The Soviet system may possibly be best suited to Russia, where 90 per cent of the peasants can neither read nor

write. But it is a backward and primitive system by comparison with our highly developed democracy and to attempt to introduce it in America would be to overturn our whole Constitution and government and destroy the progress of centuries.

Americans All.—The greatest source of injustice and unfairness in America to-day is the ignorance of our language and customs among recently arrived immigrants. Such episodes as the Lawrence (Massachusetts) strikes of 1912 and 1919, with suffering and loss to thousands, are due primarily to the industrial weakness of these classes. The foreigners who cannot speak English herd together in alien communities, they continue their old standards of living, they cannot ask for their rights.

The truth is that America was planned for a nation of equals. It gives fair play to all who know how to play the game. We are coming to realize that if we are to have a happy, prosperous people throughout the nation we must end these alien communities. We must Americanize our immigrants as rapidly as possible through the public schools, through night schools, through reducing the massing of alien groups in our large cities as much as possible.

We must all be Americans. It is the duty of every newcomer to our shores to learn English and become naturalized and become a full-fledged American as soon as possible. It is the duty of older Americans to help him in every way. Only if our people are Americans in speech and custom and understanding can our land of fair play reach its full promise of good-will to all men.

CONSTITUTION OF THE UNITED STATES

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes¹ shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.¹ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

¹ Partly superseded by the 14th Amendment, p. 210.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION 3. 1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.¹

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.¹

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

¹ See the 17th Amendment, p. 211.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent,

together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.¹

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States: and

¹ See the 16th Amendment, p. 211.

no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war; unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who

have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.¹

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he

¹ This paragraph was in force only from 1788 to 1803. It was superseded by the 12th Amendment, p. 209.

may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and con-

suls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;¹—between citizens of different States,—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws

¹ See the 11th Amendment, p. 208.

thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby,

anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

GEORGE WASHINGTON, *President and Deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—W m . S a m u e l Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, William Patterson, David Brearley, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Robert Morris, Thomas Fitzsimons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris.

Delaware.—George Read, John Dickinson, Jacob Broom, Gunning Bedford, Jr., Richard Bassett.

Maryland.—James McHenry, Daniel Carroll, Daniel of St. Th. Jenifer.

Virginia.—John Blair, James Madison, Jr.

North Carolina.—William Blount, Hugh Williamson, Richard Dobbs Spaight.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I¹

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

¹ The first ten Amendments were adopted in 1791.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

¹ Adopted in 1798.

ARTICLE XII ¹

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII ²

SECTION 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted,

¹ Adopted in 1804.

² Adopted in 1865.

shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV¹

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation

¹ Adopted in 1868.

of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI²

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII³

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

* This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII⁴

1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the im-

¹ Adopted in 1870.

² Passed July, 1909; proclaimed February 25, 1913.

³ Passed May, 1912, in lieu of paragraph one, Section 3, Article I, of the Constitution and so much of paragraph two of the same Section as relates to the filling of vacancies; proclaimed May 31, 1913.

⁴ Passed January 16, 1919; proclaimed January 29, 1919.

portation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

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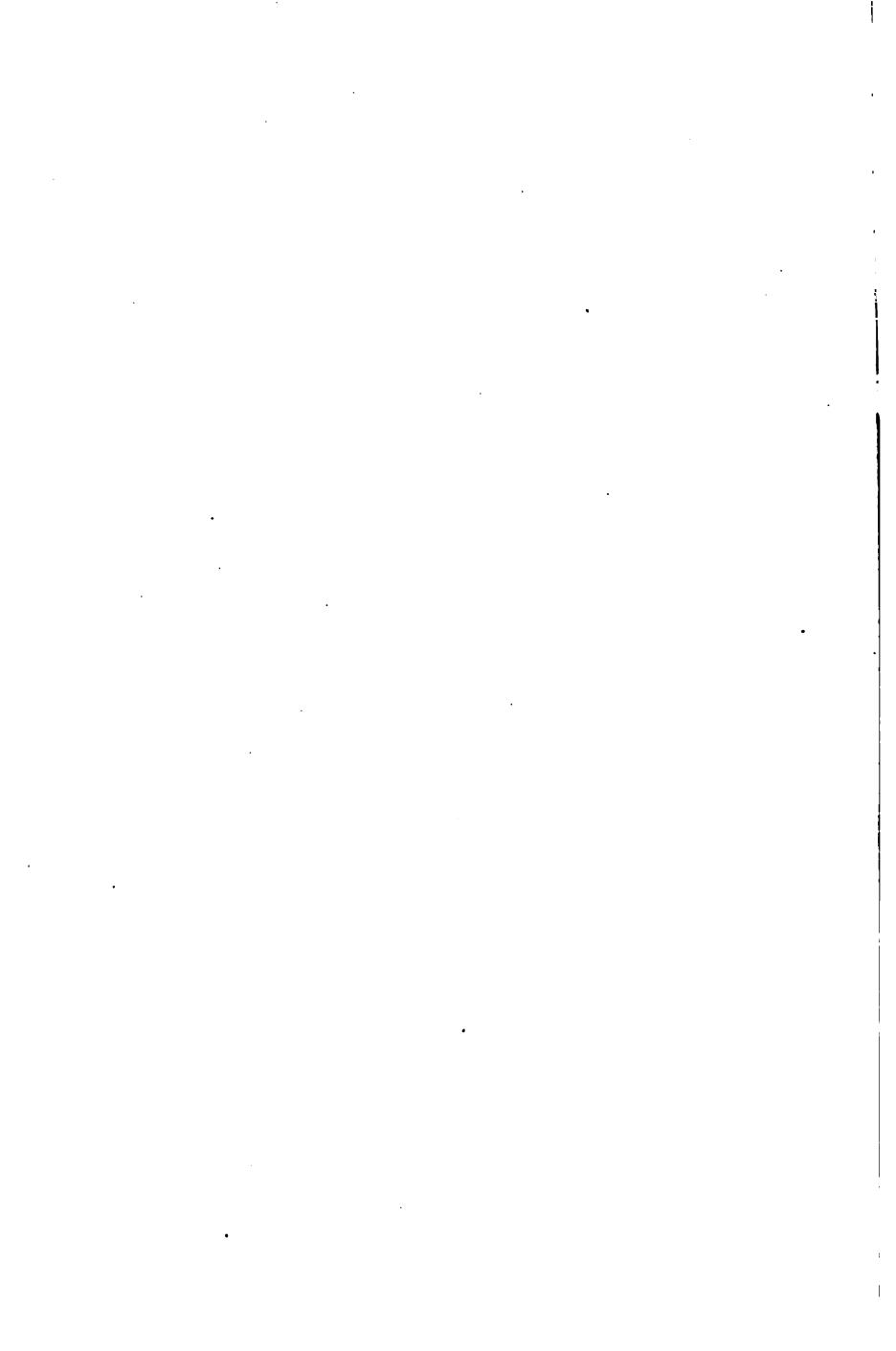
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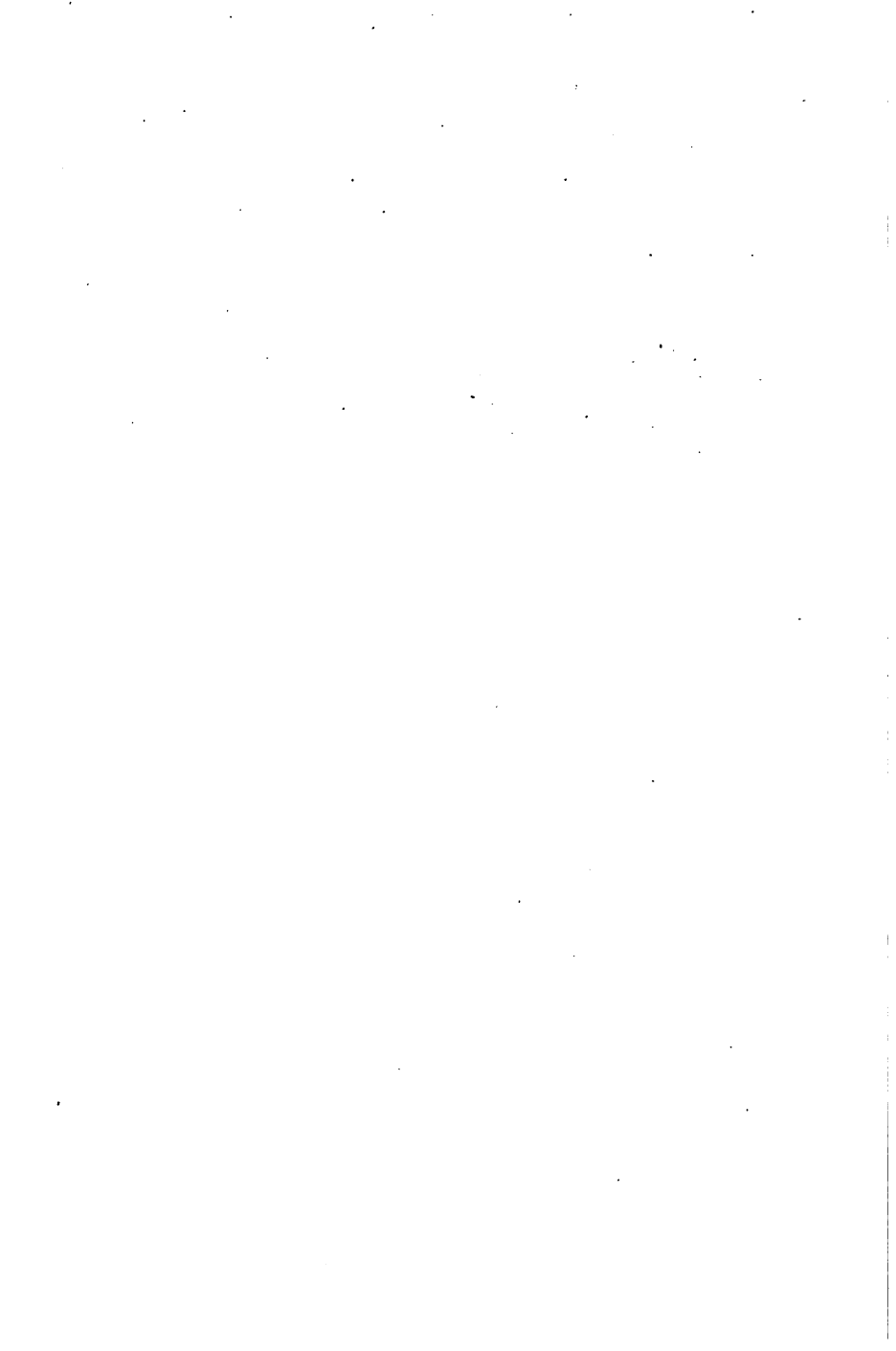
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